

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-6.533 Shovelnose Sturgeon is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 161). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.550 Other Fish is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 161-162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-10.722 Missouri River Shovelnose Sturgeon  
Commercial Harvest Permit is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 162-163). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods is  
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 164-165). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2004**.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 5—Peer Review**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2126). The section with changes to the proposed rule is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. Six (6) comments were received.

**COMMENT:** One (1) entity requested the reference to CD-ROM product be removed because if it were discontinued the Missouri rules would have to be revised. The entity stated the reference to the American Institute of Certified Public Accountants (AICPA) and their website should suffice to notify licensees of what standards will apply for statements on Standards of Attestation Engagement. One (1) entity commented that this product had not been reviewed by AICPA Peer Review Board for accuracy. The requirement that the licensee determine the conflict between the Code of Professional Conduct and the Missouri statute and rules is challengeable.

**RESPONSE:** The board noted that incorporated by reference materials is required by section 536.031.4, RSMo and will remain in the rule. The board disagreed that the Rules of Professional Conduct have not been approved by AICPA. While the AICPA Peer Review Board may not approve these rules, the board is not aware of any authority this body has over the AICPA Rules of Professional Conduct. The board also does not believe there is any likely conflict between Missouri Rules of Conduct and the AICPA Rules of Professional Conduct, because Missouri is adopting the AICPA rule. Given the recent Missouri Administrative Hearing Commission decision in *Board of Accountancy v. Schlottzauer*, AHC No. 00-0036 AC (2002), the board believes the new rule reduces the possibility of a conflict. Therefore, this portion of section (1) will not be modified in the final rule.

**COMMENT:** One (1) entity asked that sections (2) and (3) be reviewed, as they felt the final sentence was confusing, and possibly unenforceable as it would be difficult for a licensee to determine what is meant by "other pronouncements that have similar generally recognized authority." The entity suggested the board add a new section (5) to read as follows: The term "approved peer review program" shall mean either the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program or a program found by the board to meet the "Standards for Performing and Reporting on Peer Reviews" as promulgated by the AICPA.

**RESPONSE AND EXPLANATION OF CHANGE:** The board voted that the sentence would remain in the final order and in order to provide clarification to the text of the rule would add the word "professional."

**COMMENT:** One (1) entity asked that sections (2) and (3) be reviewed, and a new section (5) be added to state: The term "approved peer review program" shall mean either the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program or a program found by the board to meet the "Standards for Performing and Reporting on Peer Reviews" as promulgated by the AICPA to define peer review program, and eliminate confusion.

**RESPONSE AND EXPLANATION OF CHANGE:** The board did accept the comment and modified the proposed language for inclusion in the final rule.

**COMMENT:** Two (2) entities asked that the board not implement the AICPA standards status quo, and develop its own peer review program.

**RESPONSE:** The concerns were addressed but no changes were made. The board believed that its own peer review program would not only be expensive and difficult, but may also be in conflict with other states. Therefore, our licensee's peer reviews may not be accepted in other states where they are licensed, which would be an additional expense that the board does not wish to place on Missouri licensees.

**COMMENT:** Three (3) entities submitted comments regarding general peer review and auditing issues, including the cost of peer review for small practitioners. They also expressed concern regarding direct competition with non-CPAs who are not required to maintain any standards or show any competency of their work.

**RESPONSE:** The board stated they are aware of these entities concerns and takes their concerns seriously. The requirement for peer reviews is only for practitioners who perform audit, review or compilation work. The board did support the change made by the Missouri General Assembly in 2001 and believes the new requirement reflects the growing trend in all states to make peer review a condition for licensure renewal to increase competency.

**COMMENT:** Two (2) entities expressed concern regarding the issue of a new CPA not being required to work for a firm prior to licensing. Although the prior two (2) year rule did not always provide a range of work opportunities for some CPAs, it did offer insight to how a firm is operated from timekeeping and work billing to organization of workpapers. Without working for a CPA firm, much of this knowledge will never be obtained.

**RESPONSE:** Under the new law, all applicants must demonstrate one (1) year experience, which is verified by a licensed certified public accountant. The experience is to be accounting related. The board believes the change in the law will address an inequity in the old law, which prevented individuals qualified to practice public accounting but could not meet the supervision requirement from obtaining a license. Furthermore, the new law requires any applicant who wants to perform attest services to obtain a second year of work experience which must include attest related activities. Therefore, the change in the experience requirement should increase competency overall.

**COMMENT:** One (1) entity stated if it was the board's intention to further consolidate the attestation function within an even smaller group of practice units, increase the cost to small businesses and ultimately reduce access to the audit and review services of CPAs, then the implementation of the peer review program will be a success. However, if the board's intention to improve the quality of the audit and review function of practice units, the implementation of peer review, as it is currently designed, will be only marginal while incurring a rather significant cost. No amount of peer review nor legislation can circumvent the behavior of people who would sacrifice their professional integrity for the sake of money. The controls that are already in place should make any such behavior short-lived. The commenter stated that should this rule be implemented, he would probably sell the practice and seek other means of support. He further stated that several years ago the Kansas Board of Accountancy reviewed his audit and review reports and found their comments and suggestions quite helpful and the cost passed on to him was quite reasonable and suggested a program such as that followed by the Kansas Board be more beneficial to the small practitioner or require additional CPE in that audit area.

**RESPONSE:** The board believes that the attest function is a hallmark of the CPA function. Charges for the attest and review services are determined by the practitioner, not the board, based on the needs of the marketplace and each practitioner's costs. The board also considered the comment on the level of peer review to impose and reference to the Kansas model as a possible alternative. However, the executive director for the Kansas State Board of Accountancy advised the board that Kansas adheres to the AICPA peer review model, which is consistent with the peer review rules currently proposed.

Therefore, no changes were made to the text of the rule based on these comments.

COMMENT: One (1) entity stated that it appears the board is transferring its new governmental regulatory responsibility related to peer review to entities it does not control, i.e., the American Institute of Certified Public Accountants, the Missouri Society of Certified Public Accountants, etc. The commenter believes Missouri and other states are being unduly influenced by such membership-driven organizations that have a vested financial interest in administering peer reviews and make decisions that benefit their organizations, not Missouri CPAs. The commenter questioned how the board, funded by taxpayer dollars and fees paid by CPAs allows entities such as AICPA and MSCPA, who have non-CPA members, to affect professional licensing and self-regulation in any way. By doing so, the board effectively allows a nongovernmental entity to overstep its purpose and develop, implement, and oversee regulatory requirements. Self-regulation improvements promised to the professional through peer reviews administered by the AICPA have not been met as clearly by the Arthur Anderson debacle. Now is the time for the board to be an example to other states and show their commitment to the profession by making much needed reform to peer review standards and the peer review process. The board should begin with a simplified process that reflects the original, true intent of the peer review program and end the administrative burden the AICPA and MSCPA have created. The board needs to balance the cost of the peer review program with the benefit it provides to the profession and the public. Under the current administrative system, costs greatly outweigh the benefits provided. The commenter suggested the board readily accept its new responsibilities related to the profession, rather than accepting the AICPA/MSCPA peer review status quo. The board should develop its own peer review program requirements to best fit Missouri CPAs and not use the AICPA that is serving the varied interests of CPAs nationwide. The board should consider establishing a Peer Review Board, rather than, or in addition to, a Peer Review Oversight Board, who would develop, implement, administer and oversee the entire peer review process. This would allow the board to truly serve and regulate the professionals it serves and licenses. At a minimum, the board should contract with the AICPA, MSCPA or other entity in a way that allows the board to retain final authority over peer review. The commenter expressed concerns with the peer reviews only being conducted by another Missouri firm due to both client confidentiality and firm competition. By only allowing the use of in-state firms, firms are almost forced to use the services of St. Louis or Kansas City firms as there are few other firms outside these metropolitan areas that provide peer review services.

RESPONSE: Pursuant to section 326.289.9, RSMo the board is authorized to require peer review as a condition for licensure. Further Peer Review is defined by statute under section 326.256.1(14), RSMo. The board believes the proposed rules (4 CSR 10-5.070, 4 CSR 10-5.100, and 4 CSR 10-5.110), which address the standards for Peer Review, the administration of the Peer Review process for licensure and the oversight of its administration are consistent with the mandate of the General Assembly. The board is aware of your concern that the proposed rules on Peer Review will delegate aspects of the administration of peer review to AICPA and MSCPA. The board believes the AICPA model is well established and adhered to by a majority of the CPA profession as well as the growing trend of state licensing boards, which require Peer Review for licensure. Missouri Peer Review, as authorized by the Missouri General Assembly, is defined expressly as the AICPA model (or its equal) pursuant to section 326.256.1(14), RSMo. Therefore, the board does not believe it is unduly delegating its responsibilities to MSCPA in administering the Peer Review process, because MSCPA is already the designated AICPA Peer Review representative in Missouri. In fact, the rules cited by you do impose oversight requirements over MSCPA consistent with the board's statutory authority to determine the "effectiveness" of the Peer Review program. The

board also notes that the proposed rules on Peer Review permit the board to accept non-AICPA peer review provided that it is determined to be substantially equal to the AICPA model. Therefore, no Missouri licensed CPA would be required to obtain Peer Review through MSCPA if another provider is available. The board takes its responsibilities seriously and believes the proposed rules on Peer Review are consistent with its statutory mandate.

#### 4 CSR 10-5.070 Peer Review Standards

(5) The term "approved peer review program" shall mean the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program, any approved AICPA peer review program, or a peer review administration program of a state board of accountancy which has been determined by the Missouri State Board of Accountancy to meet, or exceed, the AICPA Standards for Performing and Reporting on Peer Reviews.

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 10—Missouri State Board of Accountancy Chapter 5—Peer Review

#### ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

#### 4 CSR 10-5.080 Firms Subject to Peer Review Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2126-2129). There are no changes to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. No comments were received.

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 10—Missouri State Board of Accountancy Chapter 5—Peer Review

#### ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

#### 4 CSR 10-5.090 Peer Review Requirements for Renewal of a Firm Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2130). There are no changes to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 5—Peer Review**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2130–2131). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. Two (2) comments were received.

**COMMENT:** One (1) entity raised a question regarding the board's authority or jurisdiction of the board to review the "quality" of a peer review program that has been accepted by the Peer Review Oversight Board noting that under section 326.289.9(2) the review by the board is limited to determining the effectiveness of the review program but not quality. The entity, therefore, request the board remove the word "quality."

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed that the commenter was correct stating that the authorizing statute permits the board to determine the effectiveness of the review program. The board notes the term quality may be repetitive given the board's authority to assess the effectiveness of a review program. Therefore, the board removed the words "or quality."

**COMMENT:** One (1) entity stated that this rule appeared incomplete, as there was no distinctive wording for the PROB to control third-party administering methods, to allow for dispute resolutions, or to allow for an appeals process with the PROB. They suggested the duties of the PROB be increased to include responsibility for the peer review process from beginning to end in all stages.

**RESPONSE AND EXPLANATION OF CHANGE:** Entity (2) concerns were addressed and a legal opinion was obtained and the board has issued a response to this entity, but made no changes based on these comments. Based on comments received, the board felt the following change more clearly stated their original intent, and correct references. Changes have been made to sections (2), (3), and (4).

**COMMENT:** One (1) entity submitted comments stating that oversight appears incomplete as there is no distinctive wording provided for the Peer Review Oversight Board (PROB) to control third-party administering methods to allow for dispute resolutions with a third-party, to allow for an appeals process with the PROB, etc. The commenter suggested the duties of the PROB be increased to include responsibility for the peer review process from beginning to end, in all stages, development, implementation, administration and oversight. If the proposal allows only Missouri licensed firms to perform peer reviews, why would the board turn a significant function like Peer Review oversight to a far-removed organization headquartered in New York?

**RESPONSE:** The board also considered this comment on the level of Peer Review to impose and is concerned that a state administered peer review process, different from AICPA, would be unduly burdensome on licensees and potentially duplicative. The board takes its responsibilities seriously and believes the proposed rules on Peer Review are consistent with its statutory mandate.

**4 CSR 10-5.100 Administration**

(2) Upon request, from the Peer Review Oversight Board (PROB), the administrator shall provide a list containing the names of firms enrolled in, or terminated from, the peer review program. The list shall also include the firm names and addresses; the period covered by their most recently accepted peer review and the date of that peer review. The PROB, as defined in 4 CSR 10-5.110, may require additional information, or documentation, or individual peer reviews, or may review procedures, if they deem it necessary to ascertain the effectiveness of a peer review program that has been accepted by the PROB.

(3) Annually by June 1, the PROB shall provide the board a list of firms that are enrolled in an approved peer review program, a list of firms that have not provided the verification required by 4 CSR 10-5.090, and a list of firms terminated from the peer review program. These firms may be determined to be ineligible for renewal by the board.

(4) Firms determined to be ineligible for renewal for failure to be currently enrolled in an approved peer review program, and/or failure to provide the verifications required by 4 CSR 10-5.090 shall be notified by the board in writing of the reason(s) and shall be advised of its right to file a complaint with the Administrative Hearing Commission.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 5—Peer Review**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2003, the board adopts a rule as follows:

4 CSR 10-5.110 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2131–2132). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on January 6, 2004 and the public comment period ended January 20, 2004. One (1) comment was received.

**COMMENT:** One (1) entity stated that this rule appeared incomplete, as there was no distinctive wording for the PROB to control third-party administering methods, to allow for dispute resolutions, or to allow for an appeals process with the PROB. They suggested the duties of the PROB be increased to include responsibility for the peer review process from beginning to end in all stages.

**RESPONSE AND EXPLANATION OF CHANGE:** One (1) entity's concerns were addressed and a legal opinion was obtained and the board has issued a response to this entity, but made no changes based on these comments. Changes have been made to section (1). The board has also added (5), (6), and (7) based on comments from legal counsel.

**4 CSR 10-5.110 Oversight**

(1) The president of the board shall appoint a Peer Review Oversight Board (PROB) to ensure that firms comply with the peer review

requirements for firm permit renewal. All appointments must be approved by a majority of the board. PROB members may be removed at any time by a majority vote of the board for cause. The PROB shall meet as necessary to ascertain that participating firms are successfully undergoing peer review, are providing the verification required by 4 CSR 10-5.090, and are eligible for renewal of their firm permit. For the purposes of this rule, "undergoing peer review" shall mean enrolled in a peer review program that has been determined, by the PROB, to meet or exceed the standards of the American Institute of Certified Public Accountants (AICPA) peer review program which has been approved by the board. In addition a firm undergoing peer review shall have made the verifications required by 4 CSR 10-5.090.

(5) The peer review standards, requirements, administration, and oversight set forth in 4 CSR 10-5.070 through 4 CSR 10-5.110 shall not be applicable to any peer review proceedings conducted pursuant to section 326.310.3, RSMo unless the board so authorizes on a case-by-case determination.

(6) In conducting a peer review pursuant to section 326.310.3, RSMo the board shall have complete oversight of and access to peer review process and report.

(7) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 70—State Board of Chiropractic Examiners  
Chapter 4—Chiropractic Insurance Consultant**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Chiropractic Examiners under sections 331.060, 331.100.2 and 376.423, RSMo 2000, the board amends a rule as follows:

**4 CSR 70-4.010 Chiropractic Insurance Consultant is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 88). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 70—State Board of Chiropractic Examiners  
Chapter 4—Chiropractic Insurance Consultant**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Chiropractic Examiners under sections 331.060, 331.100.2 and 376.423, RSMo 2000 and 331.050, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 70-4.030 Renewal and Postgraduate Education  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 88-89). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.250, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-1.030 Name and Address Changes for Individuals is  
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 23). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.247, 324.250, 324.252, 324.265 and 324.267, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-1.040 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 23-25). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.265, 324.267 and 324.270, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-2.010 Application for Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 26–31). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.265, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-2.030 Provisional License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 32–33). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, Supp. 2003 and 324.262 and 324.265, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-2.050 License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 34–35). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 197—Board of Therapeutic Massage  
Chapter 3—Standards of Practice**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, RSMo Supp. 2003 and 324.262, RSMo 2000, the board amends a rule as follows:

**4 CSR 197-3.010 Standards of Practice is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 36). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 197-5.010 Massage Therapy Business—Survey  
Inspections is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 36). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 197-5.020 Issuance of an Original Business License  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 36–38). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257, 324.260, and 324.262, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 197-5.030** Massage Therapy Business—Change of Name, Ownership or Location **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 39–40). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 197—Board of Therapeutic Massage**  
**Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.250, 324.255, 324.257, 324.260 and 324.262, RSMo 2000 and 324.245, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 197-5.040** Massage Therapy Business License Renewal **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 41–42). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 205—Missouri Board of Occupational Therapy**  
**Chapter 3—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068 and 324.077, RSMo 2000 and 324.086, RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 205-3.030** Application for Limited Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 89). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 3—Filing and Reporting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission by sections 386.040, 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

**4 CSR 240-3.500** is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2139–2140). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) party filed comments suggesting a revision to 4 CSR 240-3.500(8). Two (2) parties filed written comments expressing concerns regarding 4 CSR 240-3.500(21). This portion of the proposed rulemaking pertains to a definition for the term “service objective.” Two (2) other parties filed written comments supportive of the proposed definition.

COMMENT: The commission staff (staff) states 4 CSR 240-3.500(8) should be further revised to mirror the proposed definition for customer as proposed in 4 CSR 240-32.020(11).

RESPONSE AND EXPLANATION OF CHANGE: The commission finds staff’s proposed revision to be reasonable. Staff recommends the proposed definition delete “etc.” and insert “or other entity.”

COMMENT: AT&T Communications of the Southwest, Inc. (AT&T) and MCI filed written comments for 4 CSR 240-3.500(21). AT&T and MCI oppose a blanket obligation to report all metrics upon an exchange-specific basis. Both companies challenge the proposed rule’s private cost, which contends the proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. AT&T and MCI state the commission should not assume there would not be a fiscal impact if these changes were adopted. Both parties state such detailed reporting is not realistic or meaningful. AT&T states that exchange-specific reporting for three (3) metrics (originating switched calls, local exchange switched call completion, and interexchange switched call completion) is redundant or impossible. One (1) switch can provide local service to more than one (1) exchange and these metrics are intended to simply monitor the performance of a switch. The switch should perform the same across each exchange. Both AT&T and MCI recommend the commission delete the proposed definition.

Staff and the Office of the Public Counsel (OPC) find the proposed definition for “service objective” to be reasonable. Staff points out the term is used in the commission’s existing rules; however it has never been defined. Staff and OPC note that existing rules contemplate exchange-specific monitoring of quality of service measures. OPC suggests such monitoring advances the protection of the ratepayer and is consistent with the public interest as identified in section 392.185, RSMo 2000.

RESPONSE: The commission’s existing telecommunications quality of service rules repeatedly used the term “service objective.” In this respect, the concept of defining a term used in the commission’s rules is reasonable. The term is intended to demonstrate an acceptable quality of service level for the various service categories. The proposed definition also states that service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080. According to 4 CSR 240-32.080, the existing monitoring criteria for many quality of service categories

is by exchange. Such exchange-specific monitoring criteria are not being changed by this proposed rulemaking. In this respect monitoring certain quality of service measures on an exchange-specific basis should not be considered a new requirement for providers of basic local telecommunications service. In addition, the commission has previously stated Chapter 32 requirements should apply to both incumbent and competitive local exchange companies (see (24 MoReg 1956 and 1963) August 2, 1999 *Missouri Register*). Based on these considerations the proposed definition is reasonable and it should not impose a financial impact on any company if the company is currently complying with the commission's rules. No changes will be made to the proposed definition based on these comments.

#### **4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules**

(8) Customer means any individual, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other entity that accepts financial and other responsibilities in exchange for telecommunications service.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission by sections 386.040, 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

#### **4 CSR 240-3.550 Telecommunications Company Records and Reports is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2140). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No party filed comments regarding this rulemaking.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 32—Telecommunications Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission by sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

#### **4 CSR 240-32.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2145-2147). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed regarding the following portions of 4 CSR 240-32.020: 4 CSR 240-32.020(5) the proposed definition for "basic local telecommunica-

tions service," 4 CSR 240-32.020(29) the proposed definition for "operator assisted calls," 4 CSR 240-32.020(36) the proposed definition for "service objective," and 4 CSR 240-32.020(48) the proposed definition for "unusual repair." In addition a comment recommended "out-of-service" be defined.

COMMENT: AT&T Communications of the Southwest, Inc. (AT&T) expressed concerns regarding 4 CSR 240-32.020(5) pertaining to the proposed definition for basic local telecommunications service. AT&T states the proposed definition's reference to the Missouri statutory definition is overly broad. AT&T recommends the definition reference 4 CSR 240-32.100 rather than section 386.020(4), RSMo. MCI concurs with AT&T's concerns.

RESPONSE: AT&T appears to be recommending the commission adopt the components identified in 4 CSR 240-32.100(2) in defining basic local telecommunications service. This section of the commission rules identifies service features considered to be minimum elements for basic local and interexchange telecommunications service (emphasis added). Section 386.020(4), RSMo identifies more components than 4 CSR 240-32.100(2). For example, section 386.020(4), RSMo includes access to such services as local operator services and local directory assistance. These are important components of basic local telecommunications service. Therefore, the commission will maintain the current reference to section 386.020(4).

COMMENT: The commission staff (staff) recommends a proposed revision to 4 CSR 240-32.020(29). Staff recommends further clarifications to reflect only "0-" dialed operator service calls.

RESPONSE AND EXPLANATION OF CHANGE: The commission concurs with staff's recommendation as defined. Staff points out that operator service calls dialed on a "0+" basis would be technically difficult for a basic local telecommunications company to monitor.

COMMENT: AT&T and MCI expressed concerns regarding 4 CSR 240-32.020(36). AT&T and MCI oppose a blanket obligation to report all metrics upon an exchange-specific basis. Both companies challenge the proposed rule's private cost, which contends the proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. AT&T and MCI state the commission should not assume there would not be a fiscal impact if these changes were adopted. Both parties state such detailed reporting is not realistic or meaningful. AT&T states that exchange-specific reporting for three (3) metrics (originating switched calls, local exchange switched call completion, and interexchange switched call completion) is redundant or impossible. One (1) switch can provide local service to more than one (1) exchange and these metrics are intended to simply monitor the performance of a switch. The switch should perform the same across each exchange. Both AT&T and MCI recommend the commission delete the proposed definition.

Staff and the Office of the Public Counsel (OPC) find the proposed definition for "service objective" to be reasonable. The commission staff point out the term is used in the commission's existing rules; however it has never been defined. Staff and OPC note that existing rules contemplate exchange-specific monitoring of quality of service measures. OPC suggests such monitoring advances the protection of the ratepayer and is consistent with the public interest as identified in section 392.185, RSMo 2000.

RESPONSE: The commission's existing telecommunications quality of service rules repeatedly used the term "service objective." In this respect, the concept of defining a term used in the commission's rules is reasonable. The term is intended to demonstrate an acceptable quality of service level for the various service categories. The proposed definition also states that service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080. According to 4 CSR 240-32.080, the existing monitoring criteria for many quality of service categories is by exchange. Such exchange-specific monitoring criteria are not

being changed by this proposed rulemaking. In this respect monitoring certain quality of service measures on an exchange-specific basis should not be considered a new requirement for providers of basic local telecommunications service. In addition, the commission has previously stated Chapter 32 requirements should apply to both incumbent and competitive local exchange companies (see August 2, 1999 *Missouri Register*, (24 MoReg 1956 and 1963)). Based on these considerations the proposed definition is reasonable and it should not impose a financial impact on any company if the company is currently complying with the commission's rules. No changes will be made to the proposed definition based on these comments.

The commission will consider AT&T's comments in consideration of revisions to 4 CSR 240-32.080(5)(E) originating switched calls; (F) local exchange switched call completion; and (G) interexchange switched call completion. The commission agrees with AT&T that these three (3) metrics are intended to measure the performance of a switch. If one (1) switch is used to serve multiple exchanges then it may be appropriate to allow a company to monitor performance based on the switch rather than by exchange. The commission will address this aspect of AT&T's concerns in 4 CSR 240-32.080.

**COMMENT:** The Missouri Telecommunications Industry Association (MTIA) and AT&T expressed specific concerns regarding 4 CSR 240-32.020(48) the proposed definition for the term "unusual repair." Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (SBC) and CenturyTel of Missouri, LLC (CenturyTel) expressed support for MTIA's comments. MCI concurs with comments made by both MTIA and AT&T. MTIA and AT&T recommend the proposed definition delete the sentence, "Lack of material and manpower does not constitute unusual repair." MTIA states most carriers cannot keep all possible repair and replacement materials in inventory. In addition, many carriers have a relatively small work force. According to MTIA, if repairs exceed the immediate resources of a carrier then such a condition should be considered an external element beyond the control of the company.

Staff comments the proposed definition is intended to clarify a repair situation that may be excluded from the "Out-of-Service Cleared" within twenty-four (24) hours objective. The proposed definition attempts to define unusual repair as when restoration is prohibited by an external element that is beyond the control of the company. Staff claims work force and/or material limitations that prevent the company from restoring service within twenty-four (24) hours, such limitations are within the company's control and therefore should not be considered unusual repair.

**RESPONSE AND EXPLANATION OF CHANGE:** The term "unusual repair" is used in existing 4 CSR 240-32.080(5)(I) (2). "Clearing time—Out-of-Service Conditions." According to this portion of the commission's rules, the service objective is that ninety percent (90%) or more of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours. This objective means that a company does not count a trouble report requiring unusual repair in the tabulation for this quality of service category. For example, if a company receives one hundred (100) trouble reports involving an out-of-service condition in a reporting time period and the company resolves eighty-five (85) of these one hundred (100) reports within twenty-four (24) hours the company could claim a clearing time for out-of-service condition of eighty-five percent (85%) (85/100) which is below the commission's service objective. Using this same example, if a company can claim an unusual repair condition for seven (7) of the fifteen (15) trouble reports not cleared within twenty-four (24) hours then the company could report a clearing time for out-of-service conditions of ninety-one percent (91%) (85/(100-7)). In this respect unusual repair can improve a company's performance for this service category.

The commission does not believe it is prudent to give any company unrestricted discretion in determining whether a specific situation can be classified as unusual repair. Nevertheless, the commission will revise this portion of the rule as defined. In this regard a com-

pany may qualify for an unusual repair situation involving lack of material and manpower if the company contacts staff in advance of submitting its quarterly quality of service report and the staff makes the determination that the company's particular situation warrants a classification of unusual repair.

MTIA's and AT&T's recommended revision would essentially make this service objective meaningless. Conceivably a company could claim lack of manpower for any trouble report with an out-of-service condition. For example, the company could simply claim the company lacked the necessary manpower to respond to any trouble report not cleared within twenty-four (24) hours. The commission acknowledges that most companies will also not keep all possible repair and replacement materials in inventory. Nevertheless, lack of material should not be considered unusual repair. A company's inventory level should not be considered an external element beyond the control of the company. MTIA's and AT&T's recommended revision could essentially reward a company for failing to keep any inventory because the company could then claim unusual repair for any trouble repair requiring material. Instead, unusual repair should be reserved for limited situations that are truly beyond the control of the company.

**COMMENT:** Staff recommends the commission define "out-of-service." This term is currently used in 4 CSR 240-32.080(5)(H)2. but is not defined.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission concurs with staff's recommendation as defined.

#### 4 CSR 240-32.020 Definitions

(29) Operator assisted calls—a telecommunications service using either human or automated call intervention that is initiated by dialing solely on a "0-" basis.

(30) Out-of-service—an out-of-service condition exists when a customer reports or a test reveals the customer has lost the ability to originate or receive a call.

(31) Outside plant—the telecommunications wires, cable, equipment and facilities installed along, over or under streets, alleys, highways or private rights-of-way between the central office and customers' premises or between central offices.

(32) Pay telephone—a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

(33) Person—person as defined in section 386.020(39), RSMo.

(34) Private shared tenant services—private shared tenant services as defined in section 386.020(40), RSMo.

(35) Rate—rate as defined in section 386.020(45), RSMo.

(36) Service—service as defined in section 386.020(47), RSMo.

(37) Service objective—an acceptable level of service for an established category of service as identified in 4 CSR 240-32.080. Service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080.

(38) Station—a point of input to or output from the network, including a telephone instrument or other terminal device.

(39) Subsequent trouble report—A trouble report received for the same access line for trouble already reported but not yet cleared.

(40) Surveillance level—a substandard level of performance for an established category of service as identified in 4 CSR 240-32.080. A company whose service falls within a surveillance level shall immediately investigate and take appropriate corrective action to achieve and maintain the commission's service objective.

(41) Switching—a generic term for machines that switch telephone calls from/to other telephones or trunks.

(42) Tandem—a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(43) Tariff—a schedule of rates, services and rules approved by the commission.

(44) Telecommunications company—telecommunications company as defined in section 386.020(51), RSMo.

(45) Telecommunications facilities—telecommunications facilities as defined in section 386.020(52), RSMo.

(46) Telecommunications service—telecommunications service as defined in section 386.020(53), RSMo.

(47) Traffic—telecommunications volume, based on number of calls and duration of messages.

(48) Unlisted telephone number—a telephone number which is not listed in the paper phone directories and is not given out to callers to Directory Assistance.

(49) Unusual repair—unusual repair exists when restoration is prohibited by an external element that is beyond the control of the company. Lack of material and manpower does not constitute unusual repair unless specifically requested by a company and approved by the commission staff to address a unique situation or condition.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission by sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

**4 CSR 240-32.070 Quality of Service is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2148–2149). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** One party identified specific concerns with 4 CSR 240-32.070.

**COMMENT:** The Missouri Telecommunications Industry Association (MTIA) expressed specific concerns regarding 4 CSR 240-32.070. Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (SBC) and CenturyTel of Missouri, LLC (CenturyTel) expressed support for MTIA's comments. MTIA recommends section (4) be amended as follows, "Each customer requesting the installation or repair of basic local telecommunications service will be provided with the date by which service will be installed or repaired." MTIA

states the term "commitment" has been difficult to define in a way that is commonly understood by the industry. According to MTIA's comments the recommended amendment to the proposed rule will still clarify the requirement to provide all customers with a specific date to expect service.

The Office of the Public Counsel (OPC) expressed support for the proposed amendment. Public counsel states the proposed revisions appear reasonable and are designed to respond to often heard customer complaints concerning lack of specific time commitments for service installation or repairs.

**RESPONSE:** The commission expects all companies to provide customers with the date the customer's service will be installed or repaired. As an example, if a company intends to install or repair service on Tuesday for a given customer then the customer will be informed their service will be installed or repaired on Tuesday. MTIA's recommended change appears to suggest the company could be less specific with the customer. In this same example, according to MTIA's recommended revision, the company could inform the customer their service will be working by Friday even though the company planned to actually have it working three (3) days earlier. Stated differently, in response to installation requests, MTIA's recommended revision would allow the company to simply indicate to the customer that service will be installed within five (5) business days. Repair requests could also be handled in a similar manner under MTIA's proposal whereby the company simply provides a date "by which" service should be repaired. In other words, MTIA's proposal appears to allow the company to provide a date by which the customer will have working service. MTIA's proposal does not appear to require the company to provide the actual date when the customer's service will be installed or repaired. The commission believes MTIA's recommended revision will essentially make the quality of service category of installation commitments meaningless, as described in existing rule 4 CSR 240-32.080(5)(C). Therefore, the commission rejects MTIA's proposal.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission by sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003, the commission amends a rule as follows:

**4 CSR 240-32.080 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2149–2150). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A revision has been suggested for 4 CSR 240-32.080(2). Concerns were expressed by various parties regarding the following portions of 4 CSR 240-32.080(5): subsection (A) regarding orders for basic local telecommunications service; subsection (B) regarding installation commitments; subsection (C) regarding operator service; subsection (E) regarding originating switched calls; subsection (F) regarding local exchange switched call completion; and subsection (H) regarding customer trouble reports.

**COMMENT:** Staff recommends the second sentence in 4 CSR 240-32.080(2) be revised.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with staff's recommended revision. This revision deletes

“. . . to or below. . .” and inserts “within.” This suggested revision reflects that surveillance level can be a high or a low number depending on the criteria being monitored. For example, inferior performance is reflected in a high number for trouble report rate while inferior performance is reflected in a low number for the company’s percentage of installations for basic local service within five (5) working days.

COMMENT: Concerns regarding 4 CSR 240-32.080(5)(A) were expressed by the Missouri Telecommunications Industry Association (MTIA). MTIA recommends paragraph (5)(A)1. be amended as follows: Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, a natural disaster, or an external element that is beyond the control of the company—. MTIA alleges that many natural disasters that impact service are very localized and are not likely to be officially a declared natural disaster by the governor. MTIA’s proposal also recognizes the possibility of external conditions impacting this service objective.

Staff expresses support for this portion of the proposed amendment. Staff claims the rulemaking, as proposed, removes ambiguities that currently exist in the interpretation of the rule. The rule’s current wording provides wide discretion to companies in claiming an exception based on a natural disaster.

RESPONSE AND EXPLANATION OF CHANGE: MTIA’s proposed wording as well as the existing rule appears to provide wide discretion to companies in not counting orders not meeting the commission’s service objective. The exceptions noted in the commission’s rule allow a company to not count an order that may have failed to meet the established service objective if the failure is due to a customer-caused delay or a natural disaster. A common theme of staff’s comments is that many of the proposed revisions are appropriate because “. . . it will attempt to achieve greater consistency among parties in their quality of service reporting. . . .” In this instance staff points out the existing rule allows a company to claim it experienced a natural disaster for any storm ranging from a slight rain shower to more severe weather. Providing a company with the discretion to claim a natural disaster creates greater inconsistencies between companies in tabulating their quality of service reports.

MTIA’s proposed revision appears to expand a company’s discretion by including any external element that is beyond the control of the company. MTIA does not provide any examples of what external elements might be beyond the control of the company that are not already addressed in the pending rulemaking. Absent such examples it appears MTIA’s proposal would provide companies with wide latitude to exclude orders in the tabulation of its quality of service report results.

The commission’s rules should be worded in such a manner to ensure consistent interpretation and consistent tabulation of quality of service reports. MTIA’s proposed revisions do not appear to ensure companies will have a consistent interpretation of when to exclude orders based on a natural disaster or if an external element is beyond the control of the company. Based on this consideration the commission rejects MTIA’s proposed revision. Nevertheless, the commission will modify the proposed rule for 4 CSR 240-32.080(5)(A)1.

COMMENT: Concerns were expressed by MTIA regarding 4 CSR 240-32.080(5)(A)1.A. MTIA recommends this portion of the rule be amended as follows: “Within five (5) working days after the customer ordered service; or within seven (7) working days after the customer ordered service if the installation involves excavation which requires mandatory notice of intent to excavate to the state notification center pursuant to section 319.026, RSMo; or. . . .” MTIA states service providers are required by law to notify the state “one-call” notification center of their intent to excavate in an area at least two (2) working days before commencement of the excavation.

RESPONSE: MTIA’s proposed revision clearly makes it easier for companies to meet the commission’s service objective. MTIA’s proposed revision would also mean that customers might have to wait

longer for service to be installed. For example a company could install a customer’s service in seven (7) working days rather than the current five (5) working days and still comply with the commission’s service objective. The commission is concerned about the customer impact of MTIA’s proposed revision especially when most companies are able to easily meet the commission’s existing five (5)-day service objective. The statewide reported average for the past thirty (30) months is that ninety-four percent (94%) of all orders for basic local telecommunications service are completed within five (5) working days. This statewide average easily exceeds the commission’s existing service objective that of ninety percent (90%) of all orders for basic local telecommunications services are completed within five (5) working days. Although Chapter 319, RSMo does establish excavation requirements, the commission has not observed that these requirements have actually made it more difficult to achieve the existing service objective. However, in fairness to the position proposed by MTIA, Missouri law does appear to give third and fourth class counties until January 1, 2005 to fully comply with these requirements. In this respect we may not fully know the full impact of these excavation requirements until after this date. The commission will continue to monitor the situation to see if MTIA’s proposal deserves further consideration. In the meantime the commission rejects MTIA’s proposal and will maintain the existing five (5)-day service objective.

COMMENT: Concerns were expressed by MTIA regarding 4 CSR 240-32.080(5)(B). MTIA recommends this portion of the commission’s rules be amended as follows, “(5)(B) Installation—all customers shall be given a date by which service will be installed in accordance with 4 CSR 240-32.070(4)—

1. Service objective—that ninety-five percent (95%) or more of installations of basic local telecommunications service shall be, made by the date provided the customer, except for customer-caused delays, a natural disaster, or an external element that is beyond the control of the company;” MTIA states that these revisions are proposed based on MTIA’s previous recommendations.

RESPONSE AND EXPLANATION OF CHANGE: MTIA’s rationale for these proposed changes appears to be based on MTIA’s comments for 4 CSR 240-32.070 and 4 CSR 240-32.080(5)(A). For the same reasons previously expressed by the commission, MTIA’s proposed revisions will be rejected. Nevertheless, the commission will modify the proposed rule for 4 CSR 240-32.080(5)(B)1.

COMMENT: Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (SBC) did not strongly oppose the proposed amendments to 4 CSR 240-32.080(5)(C) if the company can calculate performance in the following manner: A carrier measures the time from when an incoming call appears on an operator’s switchboard to when the operator answers the call. The carrier could then combine this measurement with the carrier’s statewide switch delay time and report this aggregated measurement.

RESPONSE AND EXPLANATION OF CHANGE: SBC’s method of calculating performance for this category is reasonable and it will be adopted.

COMMENT: AT&T Communications of the Southwest, Inc. (AT&T) expresses concerns regarding 4 CSR 240-32.080(5)(C)3. MCI concurs with AT&T’s comments. AT&T states some competitive local exchange carriers resell the services of incumbent local exchange carriers to provide their own retail services. In those instances, the performance of the service being resold will be reported in the incumbent local exchange carrier’s quality of service report as the incumbent local exchange carrier does not separate the results of the performance of wholesale services from its own retail performance. In this regard AT&T claims the competitive local exchange carrier and incumbent local exchange carrier would be reporting the exact same information. If the incumbent local exchange carrier does not make the information available to the competitive local exchange

carrier, the competitive local exchange carrier would be unable to report this information.

To address such situations, AT&T recommends the following wording for 4 CSR 240-32.080(5)(C)3.: "Monitoring criteria—continuously, on a company-wide basis, if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as the local service provider's results. In the event the contractor of this service is an incumbent local exchange carrier and does not disaggregate its own retail performance from the wholesale performance, the retail provider of basic local exchange service may identify the contractor of this service and may concur in the performance of the contractor's service."

**RESPONSE AND EXPLANATION OF CHANGE:** AT&T's proposed revision is reasonable and will be adopted.

**COMMENT:** AT&T's comments for 4 CSR 240-3.500(21) and 4 CSR 240-32.020(36) implied certain revisions to 4 CSR 240-32.080(5)(E) originating switched calls; (F) local exchange switched call completion; and (G) interexchange switched call completion. AT&T states these metrics are designed to monitor the performance of a switch. AT&T claims that in many instances a single switch is used to provide basic local exchange service to multiple exchanges. AT&T states that monitoring the performance of a switch that serves multiple exchanges on an exchange specific basis is either redundant or impossible, as the switch will perform the same across each exchange.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with AT&T that these three (3) metrics are intended to measure the performance of a switch. The current monitoring criteria contemplate two (2) methods of monitoring. The preferred method is to continuously monitor the switch. For example, dial tone delay or dial tone denial reports could be used for monitoring originating switched calls. Likewise, switch call completion reports could be used to monitor local exchange switched call completion. Call blockage reports could be used to monitor interexchange switched call completion. These reports may track all the traffic associated with the switch. In other words, if a switch serves multiple exchanges, these reports may analyze traffic from all exchanges served by the switch. An alternative method of monitoring is if the company lacks the capability to produce such reports. In such instances the company is expected to conduct at least twenty-five (25) test calls, by exchange. This manual alternative method should only be conducted if the company lacks the technical ability to continuously monitor the performance of the switch. The commission will not modify the exchange-specific monitoring for this alternative method.

To try to minimize confusion on this issue, the commission will further revise the rule wording in the following paragraphs. 4 CSR 240-32.080(5)(E)3., (5)(F)3. and (5)(G)3.

**COMMENT:** MTIA recommends proposed revisions to 4 CSR 240-32.080(5)(H). MTIA recommends this portion of the rule be amended as follows: "(5)(H) Customer trouble reports regarding basic local telecommunications service—" MTIA states this proposed revision is consistent with 4 CSR 240-3.550. MTIA states companies should be able to exclude trouble reports related to non-basic services.

**RESPONSE:** The commission rejects MTIA's proposed revision because a company's trouble report rate should include trouble reports related to non-basic services. If a problem exists with any of the non-basic services offered by a company it should be reflected in the company's trouble report rate. In this respect MTIA's proposed revision would not accurately reflect a company's quality of service provided to customers. The proposed rule allows a company to not count certain trouble reports such as trouble reports specifically caused by CPE or inside wire.

**COMMENT:** MTIA recommends proposed revisions to 4 CSR 240-32.080(5)(H)1.D. MTIA recommends this portion of the rule be amended as follows: "(5)(H)1.D. The service objective and surveillance levels do not apply to trouble caused by elements external to the provider's network (e.g., CPE, inside wire, etc.) or when the report is a subsequent trouble report for the same access line. In order to exclude trouble reports caused by elements external to the provider's network, the provider must complete trouble isolation tests to verify that the cause of the trouble does not reside on the provider's network." MTIA's rationale for these proposed revisions is that providers do not control and many times cannot test elements beyond their own network. A service provider, however, can verify through network testing that the trouble does not reside on its own network.

**RESPONSE:** The commission recognizes that isolating trouble can be difficult. In some instances a company's test results may reveal no problems. For example, a wet cable may create trouble on a customer's line; however the trouble may mysteriously resolve itself as sunshine dries the cable. In such instances the company's test results may ultimately show faulty facilities to be OK. MTIA's proposed revisions would allow a company to not count such trouble reports in calculating its trouble report rate. In contrast to MTIA's recommendation, a company should only be allowed to not count a particular trouble report in calculating the company's trouble report rate if the company can identify the source of the problem and if the source is outside the company's network. For this reason, the commission rejects MTIA's proposed revision.

**COMMENT:** MTIA expresses concerns regarding 4 CSR 240-32.080(5)(H)3. MTIA recommends this portion of the commission's rules be revised as follows:

"3. Repair—All customers shall be given a date by which service will be restored in accordance with 4 CSR 240-32.070(4)—

A. Service objective—that ninety percent (90%) or more of commitments for clearing trouble shall be met, except for customer-caused delays, a declared natural disaster, or an external element that is beyond the control of the company."

MTIA recommends these revisions because commitments have been difficult to define in a way that is commonly understood by the industry. MTIA also states many natural disasters are very localized and are not likely to be officially "declared." The commission should recognize the possibility of external conditions impacting the attainment of the service objective.

In contrast to MTIA's comments, the Office of the Public Counsel (OPC) strongly supports the proposed rulemaking's requirement for a company to give customers time commitments to restore service and make repairs. The OPC states the proposed rulemaking advances the protection of the ratepayer and is consistent with the public interest as identified in section 392.185, RSMo 2000.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission rejects MTIA's proposed revisions for reasons previously expressed in this rulemaking (see commission response for 4 CSR 240-32.070). Nevertheless the commission will modify the proposed rule for 4 CSR 240-32.080(5)(H)3.

#### 4 CSR 240-32.080 Service Objectives and Surveillance Levels

(2) Each company is expected to provide service within each exchange or as otherwise monitored in this section that meets or exceeds the service objective level. If service within any exchange falls within the surveillance level, the company shall immediately investigate and take appropriate corrective action. The identified problem and the corrective action taken shall be submitted to the commission with the company's quarterly report.

(5) The service objectives, surveillance levels and monitoring criteria for the following categories are:

(A) Orders for basic local telecommunications service—

1. Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition—

A. Within five (5) working days after the customer ordered service; or

B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

2. Surveillance level—eighty-five percent (85%) or below; and

3. Monitoring criteria—continuously, by exchange;

(B) Installation commitments—all customers shall be given a commitment of when service will be installed in accordance with 4 CSR 240-32.070(4)—

1. Service objective—that ninety-five percent (95%) or more of commitments for installation of basic local telecommunications service shall be met, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition;

2. Surveillance level—ninety percent (90%) or below; and

3. Monitoring criteria—continuously, by exchange;

(C) Operator assisted calls—

1. Service objective—that one hundred percent (100%) of operator assisted calls, shall be answered on average within twelve (12) seconds or less of dialing “0.” This objective incorporates the required switch delay for “0-” calls;

2. Surveillance level—fourteen (14) seconds or more; and

3. Monitoring criteria—continuously, on a company-wide basis, if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results. In the event the contractor of this service is an incumbent local exchange carrier and does not disaggregate its own retail performance from the wholesale performance, the retail provider of basic local exchange service may identify the contractor of this service and may concur in the performance of the contractor’s service;

(D) Customer assistance calls—

1. Service objective—that the average speed of answer for calls to the business office or repair bureau shall be fifteen (15) seconds or less;

2. Surveillance level—that average speed of answer for calls to the business office or repair bureau exceeding twenty (20) seconds on a continuous basis indicates a need for investigation and corrective action; and

3. Monitoring criteria—continuously, on a company-wide basis via an interactive voice system, if not possible, manual monitoring of twenty-five (25) incoming calls to a service center will be conducted on a monthly basis;

(E) Originating switched calls—

1. Service objective—that ninety-eight percent (98%) or more of calls shall receive a dial tone within three (3) seconds;

2. Surveillance level—ninety-seven and four-tenths percent (97.4%) or less; and

3. Monitoring criteria—continuously, via dial tone delay or dial tone denial reports. These reports can monitor the switch’s traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results;

(F) Local exchange switched call completion—

1. Service objective—that ninety-eight percent (98%) or more of local exchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, via switch call completion reports. These reports can monitor the switch’s traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on at least twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as local service provider’s results;

(G) Interexchange switched call completion—

1. Service objective—that ninety-eight percent (98%) or more of interexchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, via call blockage reports. These reports can monitor the switch’s traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results; and

(H) Customer trouble reports—

1. Frequency—

A. Service objective—that the frequency shall not exceed six (6) reports for every one hundred (100) access lines each month;

B. Surveillance level—shall not exceed eight (8) reports for every one hundred (100) access lines each month;

C. Monitoring criteria—monthly, by exchange; and

D. The service objective and surveillance levels do not apply to trouble caused by customer provided equipment (CPE) and inside wire or when the report is a subsequent trouble report for the same access line. In order to exclude trouble reports caused by CPE or inside wire the company must specifically determine the cause is from CPE or inside wire. Trouble reports whereby a company simply tests the line and produces a “test ok” or “found ok” condition are still countable trouble reports and are not excludable from the company’s trouble report rate;

2. Clearing time—out-of-service conditions—

A. Service objective—that ninety percent (90%) or more of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours;

B. Surveillance level—eighty-five percent (85%) or less; and

C. Monitoring criteria—monthly by exchange; and

3. Repair commitments—All customers shall be given a commitment of when service will be restored in accordance with 4 CSR 240-32.070(4)—

A. Service objective—that ninety percent (90%) or more of commitments for clearing trouble shall be met, except for customer-caused delays and delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition;

B. Surveillance level—eighty-five percent (85%) or less; and

C. Monitoring criteria—monthly, by exchange.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 6—Workers' Compensation and  
Employer's Liability**

**IN ADDITION**

**20 CSR 500-6.700 Workers' Compensation Managed Care  
Organizations**

On September 26, 2002, the Circuit Court of Cole County, State of Missouri, issued a temporary restraining order enjoining the enforcement of the rule 20 CSR 500-6.700. On December 3, 2003, the Circuit Court of Cole County subsequently issued a permanent injunction prohibiting the Missouri Department of Insurance from taking any action to enforce or implement the foregoing regulation. See, *Alliance of American Insurers, et al. v. Missouri Department of Insurance and Scott B. Lakin, Director*, Case No. 02-CV-325517.

# Contractor Debarment List

<b>Name of Contractor</b>	<b>Name of Officer and Title</b>	<b>Address</b>	<b>Date of Conviction</b>	<b>Debarment Period</b>
Bruner Contracting Company	Cynthia Bruner	218 Delaware, Ste. 211 Kansas City, MO 64105	9/9/03	9/9/03-9/9/04
Cynthia Bruner	N/A	218 Delaware, Ste. 211 Kansas City, MO 64105	9/9/03	9/9/03-9/9/04

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
SYDNEY M. SHOENBERG & COMPANY, L.L.C.

Sydney M. Shoenberg & Company, L.L.C., a Missouri limited liability company, filed a Notice of Winding Up on February 23, 2004. Any claims against the company may be sent to John L. Gillis, Jr., Esq., c/o Armstrong Teasdale LLP, One Metropolitan Square, Suite 2600, St. Louis, Missouri 63102. Each claim must include the name, address, and telephone number of the claimant, the dates of occurrence of events upon which the claim is based and a brief description of the basis for the claim or the nature of the debt, the amount of the claim and whether the claim is secured, and, if so, the nature of the security. Any claim against Sydney M. Shoenberg & Company, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

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**NOTICE TO UNKNOWN CLAIMANTS OF PF4 PROPERTIES, LLC**

You are hereby notified that PF4 Properties, LLC, a Missouri limited liability company, the principal office of which is located at 3490 Timberline, Quincy, Illinois, 62301, (the "LLC"), is winding up the business of the company. Persons with claims against the LLC should file a claim with the LLC containing the following information:

1. Amount of the claim;
2. Basis for the claim;
3. Documentation of the claim.

The claim must be mailed to Gregory A. Pratt, 525 Jersey, Quincy, Illinois.

A claim against the LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication hereof.

**Notice of Corporate Dissolution  
To All Creditors of and  
Claimants Against  
Construction Plastics, Inc.**

On July 17, 2001, CONSTRUCTION PLASTICS, INC., a Kansas corporation, filed its Articles of Dissolution with the Kansas Secretary of State. Dissolution was effective on July 17, 2001.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Construction Plastics, Inc.  
C/o VanOsdol, Magruder, Erickson & Redmond, P.C.  
911 Main St., Ste. 2400  
Kansas City, MO 64105

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of CONSTRUCTION PLASTICS, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

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**NOTICE TO THE UNKNOWN CREDITORS  
OF  
WETTERAU ASSOCIATES II, L.L.C.**

You are hereby notified that on March 24, 2004, Wetterau Associates II, L.L.C., a Missouri limited liability company (the "Company"), filed Articles of Termination with the Secretary of State of Missouri.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at the following address:

Wetterau Associates II, L.L.C.  
c/o Bryan Cave LLP  
One Metropolitan Square, Suite 3600  
St. Louis, MO 63102-2750  
Attention: Susan Easton  
(314) 259-2000  
(314) 259-2020 (fax)

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

A claim against Wetterau Associates II, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		29 MoReg 577		
1 CSR 35-1.050	Division of Facilities Management	28 MoReg 1983	28 MoReg 1990	29 MoReg 401	
1 CSR 35-2.030	Division of Facilities Management	28 MoReg 1984	28 MoReg 1993	29 MoReg 401	
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 10-2.010	Market Development		28 MoReg 2087	29 MoReg 482	
2 CSR 30-1.010	Animal Health		29 MoReg 584		
2 CSR 30-1.020	Animal Health		29 MoReg 584		
2 CSR 30-2.020	Animal Health	29 MoReg 571	29 MoReg 584		
2 CSR 30-2.040	Animal Health	29 MoReg 572	29 MoReg 585		
2 CSR 30-3.020	Animal Health	29 MoReg 573	29 MoReg 586		
2 CSR 30-6.020	Animal Health	29 MoReg 573	29 MoReg 586		
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-11.010	Weights and Measures	28 MoReg 2207	28 MoReg 2211	29 MoReg 661	
2 CSR 90-30.050	Weights and Measures		28 MoReg 2211	29 MoReg 661	
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-6.533	Conservation Commission		29 MoReg 161	This Issue	
3 CSR 10-6.550	Conservation Commission		29 MoReg 161	This Issue	
3 CSR 10-9.220	Conservation Commission		28 MoReg 2212	29 MoReg 401	
3 CSR 10-9.353	Conservation Commission		29 MoReg 162	29 MoReg 661	
3 CSR 10-9.565	Conservation Commission		28 MoReg 2018 29 MoReg 590	29 MoReg 216	
3 CSR 10-10.722	Conservation Commission		29 MoReg 162	This Issue	
3 CSR 10-10.725	Conservation Commission		29 MoReg 164	This Issue	
3 CSR 10-12.145	Conservation Commission		28 MoReg 2025	29 MoReg 219	29 MoReg 505
3 CSR 10-20.805	Conservation Commission		29 MoReg 590		
	<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>				
4 CSR 10-1.010	Missouri State Board of Accountancy		28 MoReg 2089 29 MoReg 591		
4 CSR 10-1.030	Missouri State Board of Accountancy		28 MoReg 2090 29 MoReg 591		
4 CSR 10-1.040	Missouri State Board of Accountancy		28 MoReg 2091R 29 MoReg 592R		
4 CSR 10-2.005	Missouri State Board of Accountancy		28 MoReg 2091R 28 MoReg 2091 29 MoReg 593R 29 MoReg 593		
4 CSR 10-2.010	Missouri State Board of Accountancy		28 MoReg 2092R 29 MoReg 594R		
4 CSR 10-2.021	Missouri State Board of Accountancy		28 MoReg 2093R 29 MoReg 594R		
4 CSR 10-2.030	Missouri State Board of Accountancy		28 MoReg 2093R 29 MoReg 595R		
4 CSR 10-2.041	Missouri State Board of Accountancy		28 MoReg 2093 29 MoReg 595R		
4 CSR 10-2.042	Missouri State Board of Accountancy		28 MoReg 2094R 29 MoReg 596R		
4 CSR 10-2.051	Missouri State Board of Accountancy		28 MoReg 2094 29 MoReg 596R		
4 CSR 10-2.061	Missouri State Board of Accountancy		28 MoReg 2099 29 MoReg 600		
4 CSR 10-2.062	Missouri State Board of Accountancy		28 MoReg 2100R 29 MoReg 601R		
4 CSR 10-2.070	Missouri State Board of Accountancy		28 MoReg 2101 29 MoReg 602		
4 CSR 10-2.072	Missouri State Board of Accountancy		28 MoReg 2102 29 MoReg 603		
4 CSR 10-2.075	Missouri State Board of Accountancy		28 MoReg 2105 29 MoReg 606		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 10-2.095	Missouri State Board of Accountancy		28 MoReg 2108 29 MoReg 609		
4 CSR 10-2.101	Missouri State Board of Accountancy		28 MoReg 2109 29 MoReg 611R		
4 CSR 10-2.111	Missouri State Board of Accountancy		28 MoReg 2110R 29 MoReg 611R		
4 CSR 10-2.112	Missouri State Board of Accountancy		28 MoReg 2110R 29 MoReg 611R		
4 CSR 10-2.115	Missouri State Board of Accountancy		28 MoReg 2110R 29 MoReg 611R		
4 CSR 10-2.120	Missouri State Board of Accountancy		28 MoReg 2111R 29 MoReg 612R		
4 CSR 10-2.130	Missouri State Board of Accountancy		28 MoReg 2111 29 MoReg 612		
4 CSR 10-2.135	Missouri State Board of Accountancy		28 MoReg 2112 29 MoReg 613		
4 CSR 10-2.140	Missouri State Board of Accountancy		28 MoReg 2112 29 MoReg 613		
4 CSR 10-2.150	Missouri State Board of Accountancy		28 MoReg 2115 29 MoReg 616		
4 CSR 10-2.160	Missouri State Board of Accountancy		28 MoReg 2115 29 MoReg 616		
4 CSR 10-2.180	Missouri State Board of Accountancy		28 MoReg 2116R 29 MoReg 617R		
4 CSR 10-2.190	Missouri State Board of Accountancy		28 MoReg 2116R 29 MoReg 617R		
4 CSR 10-2.200	Missouri State Board of Accountancy		28 MoReg 2116 29 MoReg 617		
4 CSR 10-2.210	Missouri State Board of Accountancy		28 MoReg 2117R 29 MoReg 618R		
4 CSR 10-2.215	Missouri State Board of Accountancy		28 MoReg 2117R 29 MoReg 618R		
4 CSR 10-3.010	Missouri State Board of Accountancy		28 MoReg 2117 29 MoReg 618		
4 CSR 10-3.020	Missouri State Board of Accountancy		28 MoReg 2118R 29 MoReg 619R		
4 CSR 10-3.030	Missouri State Board of Accountancy		28 MoReg 2118R 29 MoReg 619R		
4 CSR 10-3.040	Missouri State Board of Accountancy		28 MoReg 2119R 29 MoReg 620R		
4 CSR 10-3.060	Missouri State Board of Accountancy		28 MoReg 2119 29 MoReg 620		
4 CSR 10-4.010	Missouri State Board of Accountancy		28 MoReg 2120R 28 MoReg 2120 29 MoReg 621R 29 MoReg 621		
4 CSR 10-4.020	Missouri State Board of Accountancy		28 MoReg 2124R 28 MoReg 2124 29 MoReg 625R 29 MoReg 625		
4 CSR 10-4.030	Missouri State Board of Accountancy		28 MoReg 2124R 29 MoReg 625R		
4 CSR 10-4.031	Missouri State Board of Accountancy		28 MoReg 2124 29 MoReg 625		
4 CSR 10-4.040	Missouri State Board of Accountancy		28 MoReg 2125R 29 MoReg 626R		
4 CSR 10-4.041	Missouri State Board of Accountancy		28 MoReg 2125 29 MoReg 626		
4 CSR 10-4.050	Missouri State Board of Accountancy		28 MoReg 2125R 29 MoReg 626R		
4 CSR 10-5.070	Missouri State Board of Accountancy		28 MoReg 2126	This Issue	
4 CSR 10-5.080	Missouri State Board of Accountancy		28 MoReg 2126	This Issue	
4 CSR 10-5.090	Missouri State Board of Accountancy		28 MoReg 2130	This Issue	
4 CSR 10-5.100	Missouri State Board of Accountancy		28 MoReg 2130	This Issue	
4 CSR 10-5.110	Missouri State Board of Accountancy		28 MoReg 2131	This Issue	
4 CSR 15-1.030	Acupuncturist Advisory Committee		29 MoReg 627		
4 CSR 15-2.020	Acupuncturist Advisory Committee		29 MoReg 629		
4 CSR 15-3.010	Acupuncturist Advisory Committee		29 MoReg 629		
4 CSR 15-4.020	Acupuncturist Advisory Committee		29 MoReg 630		
4 CSR 30-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 632		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 632		
4 CSR 70-2.031	State Board of Chiropractic Examiners		This Issue		
4 CSR 70-4.010	State Board of Chiropractic Examiners		29 MoReg 88	This Issue	
4 CSR 70-4.030	State Board of Chiropractic Examiners		29 MoReg 88	This Issue	
4 CSR 90-3.010	State Board of Cosmetology		28 MoReg 2133	29 MoReg 482	
4 CSR 90-5.010	State Board of Cosmetology		28 MoReg 2133	29 MoReg 482	
4 CSR 90-7.010	State Board of Cosmetology		28 MoReg 2133	29 MoReg 482	
4 CSR 90-8.010	State Board of Cosmetology		28 MoReg 2134	29 MoReg 483	
4 CSR 90-10.010	State Board of Cosmetology		28 MoReg 2134	29 MoReg 483	
4 CSR 90-11.010	State Board of Cosmetology		28 MoReg 2134	29 MoReg 483	
4 CSR 90-12.020	State Board of Cosmetology		28 MoReg 2137	29 MoReg 483	
4 CSR 90-12.070	State Board of Cosmetology		28 MoReg 2137	29 MoReg 483	
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 2137	29 MoReg 483	
4 CSR 100	Division of Credit Unions				29 MoReg 338 29 MoReg 505 29 MoReg 544 29 MoReg 680
4 CSR 110-2.130	Missouri Dental Board		29 MoReg 89		
4 CSR 110-3.010	Missouri Dental Board		29 MoReg 636		
4 CSR 110-3.020	Missouri Dental Board		29 MoReg 636		
4 CSR 110-3.030	Missouri Dental Board		29 MoReg 636		
4 CSR 110-3.040	Missouri Dental Board		29 MoReg 640		
4 CSR 110-3.050	Missouri Dental Board		29 MoReg 640		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		29 MoReg 165		
4 CSR 120-1.020	State Board of Embalmers and Funeral Directors		29 MoReg 165		
4 CSR 120-1.040	State Board of Embalmers and Funeral Directors		29 MoReg 166		
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		29 MoReg 167R 29 MoReg 167		
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		29 MoReg 174		
4 CSR 120-2.022	State Board of Embalmers and Funeral Directors		29 MoReg 174		
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		29 MoReg 175		
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		29 MoReg 175R 29 MoReg 175		
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		29 MoReg 180		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		29 MoReg 180R 29 MoReg 180		
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		29 MoReg 186R 29 MoReg 186		
4 CSR 120-2.071	State Board of Embalmers and Funeral Directors		29 MoReg 192		
4 CSR 120-2.080	State Board of Embalmers and Funeral Directors		29 MoReg 193		
4 CSR 120-2.090	State Board of Embalmers and Funeral Directors		29 MoReg 194		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		29 MoReg 195		
4 CSR 120-2.110	State Board of Embalmers and Funeral Directors		29 MoReg 196		
4 CSR 120-2.115	State Board of Embalmers and Funeral Directors		29 MoReg 196		
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		29 MoReg 641		
4 CSR 197-1.030	Board of Therapeutic Massage		29 MoReg 23	This Issue	
4 CSR 197-1.040	Board of Therapeutic Massage		29 MoReg 23	This Issue	
4 CSR 197-2.010	Board of Therapeutic Massage		29 MoReg 26	This Issue	
4 CSR 197-2.030	Board of Therapeutic Massage		29 MoReg 32	This Issue	
4 CSR 197-2.050	Board of Therapeutic Massage		29 MoReg 34	This Issue	
4 CSR 197-3.010	Board of Therapeutic Massage		29 MoReg 36	This Issue	
4 CSR 197-5.010	Board of Therapeutic Massage		29 MoReg 36	This Issue	
4 CSR 197-5.020	Board of Therapeutic Massage		29 MoReg 36	This Issue	
4 CSR 197-5.030	Board of Therapeutic Massage		29 MoReg 39	This Issue	
4 CSR 197-5.040	Board of Therapeutic Massage		29 MoReg 41	This Issue	
4 CSR 200-4.020	State Board of Nursing		29 MoReg 641		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		29 MoReg 89	This Issue	
4 CSR 210-2.080	State Board of Optometry		29 MoReg 642		
4 CSR 210-2.081	State Board of Optometry		29 MoReg 643R		
4 CSR 220-2.100	State Board of Pharmacy		This Issue		
4 CSR 220-2.300	State Board of Pharmacy		29 MoReg 89		
4 CSR 235-1.020	State Committee of Psychologists		29 MoReg 643		
4 CSR 235-1.050	State Committee of Psychologists		29 MoReg 644		
4 CSR 240-3.020	Public Service Commission		This Issue		
4 CSR 240-3.165	Public Service Commission		28 MoReg 2214	29 MoReg 401	
4 CSR 240-3.190	Public Service Commission		28 MoReg 2028	29 MoReg 402	
4 CSR 240-3.245	Public Service Commission		28 MoReg 2215	29 MoReg 407	
4 CSR 240-3.265	Public Service Commission		28 MoReg 1901	29 MoReg 661	
4 CSR 240-3.335	Public Service Commission		28 MoReg 2216	29 MoReg 408	
4 CSR 240-3.435	Public Service Commission		28 MoReg 2217	29 MoReg 409	
4 CSR 240-3.440	Public Service Commission		28 MoReg 1906	29 MoReg 409	
4 CSR 240-3.500	Public Service Commission		28 MoReg 2139	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.510	Public Service Commission		This Issue		
4 CSR 240-3.520	Public Service Commission		This Issue		
4 CSR 240-3.525	Public Service Commission		This Issue		
4 CSR 240-3.530	Public Service Commission		This Issue		
4 CSR 240-3.535	Public Service Commission		This Issue		
4 CSR 240-3.540	Public Service Commission		28 MoReg 2219	29 MoReg 410	
4 CSR 240-3.545	Public Service Commission		29 MoReg 369R 29 MoReg 369		
4 CSR 240-3.550	Public Service Commission		28 MoReg 2140	This Issue	
4 CSR 240-3.555	Public Service Commission		29 MoReg 374		
4 CSR 240-3.560	Public Service Commission		This Issue		
4 CSR 240-3.565	Public Service Commission		This Issue		
4 CSR 240-3.640	Public Service Commission		28 MoReg 2220	29 MoReg 410	
4 CSR 240-3.650	Public Service Commission		28 MoReg 1907	29 MoReg 667	
4 CSR 240-13.015	Public Service Commission		28 MoReg 2140 This Issue	29 MoReg 411W	
4 CSR 240-13.035	Public Service Commission		28 MoReg 2141	29 MoReg 672	
4 CSR 240-18.010	Public Service Commission		28 MoReg 2030	29 MoReg 411	
4 CSR 240-32.020	Public Service Commission		28 MoReg 2145	This Issue	
4 CSR 240-32.060	Public Service Commission		28 MoReg 2147		
4 CSR 240-32.070	Public Service Commission		28 MoReg 2148	This Issue	
4 CSR 240-32.080	Public Service Commission		28 MoReg 2149	This Issue	
4 CSR 240-32.200	Public Service Commission	29 MoReg 459	29 MoReg 646		
4 CSR 240-33.010	Public Service Commission		29 MoReg 374		
4 CSR 240-33.020	Public Service Commission		29 MoReg 374		
4 CSR 240-33.030	Public Service Commission		29 MoReg 376R		
4 CSR 240-33.040	Public Service Commission		29 MoReg 376		
4 CSR 240-33.060	Public Service Commission		29 MoReg 377		
4 CSR 240-33.070	Public Service Commission		29 MoReg 381		
4 CSR 240-33.080	Public Service Commission		29 MoReg 381		
4 CSR 240-33.110	Public Service Commission		29 MoReg 461		
4 CSR 240-33.150	Public Service Commission		29 MoReg 382		
4 CSR 240-33.160	Public Service Commission		This Issue		
4 CSR 240-36.010	Public Service Commission		29 MoReg 197		
4 CSR 240-36.020	Public Service Commission		29 MoReg 197		
4 CSR 240-36.030	Public Service Commission		29 MoReg 198		
4 CSR 240-36.040	Public Service Commission		29 MoReg 199		
4 CSR 240-36.050	Public Service Commission		29 MoReg 202		
4 CSR 240-36.060	Public Service Commission		29 MoReg 203		
4 CSR 240-36.070	Public Service Commission		29 MoReg 203		
4 CSR 240-36.080	Public Service Commission		29 MoReg 204		
4 CSR 250-8.090	Missouri Real Estate Commission		28 MoReg 2150	29 MoReg 484	
4 CSR 250-8.096	Missouri Real Estate Commission		28 MoReg 2152	29 MoReg 484	
4 CSR 250-8.097	Missouri Real Estate Commission		28 MoReg 2152	29 MoReg 484	
4 CSR 263-1.035	State Committee for Social Workers		29 MoReg 651		
4 CSR 263-2.032	State Committee for Social Workers		29 MoReg 653		
4 CSR 263-2.045	State Committee for Social Workers		29 MoReg 653		
4 CSR 263-2.047	State Committee for Social Workers		29 MoReg 654		
4 CSR 263-2.060	State Committee for Social Workers		29 MoReg 654		
4 CSR 263-2.062	State Committee for Social Workers		29 MoReg 654		
4 CSR 263-2.085	State Committee for Social Workers		29 MoReg 655		
4 CSR 263-2.090	State Committee for Social Workers		29 MoReg 655		
4 CSR 263-3.020	State Committee for Social Workers		29 MoReg 655		
4 CSR 263-3.040	State Committee for Social Workers		29 MoReg 656		
4 CSR 263-3.140	State Committee for Social Workers		29 MoReg 657		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 80-800.200	Teacher Quality and Urban Education		28 MoReg 1771	29 MoReg 484	
5 CSR 80-800.220	Teacher Quality and Urban Education		28 MoReg 1774	29 MoReg 485	
5 CSR 80-800.230	Teacher Quality and Urban Education		28 MoReg 1776	29 MoReg 485	
5 CSR 80-800.260	Teacher Quality and Urban Education		28 MoReg 1779	29 MoReg 486	
5 CSR 80-800.270	Teacher Quality and Urban Education		28 MoReg 1782	29 MoReg 487	
5 CSR 80-800.280	Teacher Quality and Urban Education		28 MoReg 1784	29 MoReg 487	
5 CSR 80-800.290	Teacher Quality and Urban Education		28 MoReg 1786	29 MoReg 488	
5 CSR 80-800.300	Teacher Quality and Urban Education		28 MoReg 1786	29 MoReg 488	
5 CSR 80-800.350	Teacher Quality and Urban Education		28 MoReg 1787	29 MoReg 488	
5 CSR 80-800.360	Teacher Quality and Urban Education		28 MoReg 1790	29 MoReg 490	
5 CSR 80-800.370	Teacher Quality and Urban Education		28 MoReg 1793	29 MoReg 491	
5 CSR 80-800.380	Teacher Quality and Urban Education		28 MoReg 1796	29 MoReg 491	
5 CSR 80-800.400	Teacher Quality and Urban Education		28 MoReg 1800	29 MoReg 495	
5 CSR 90-7.010	Vocational Rehabilitation		28 MoReg 1800	29 MoReg 495	
5 CSR 90-7.100	Vocational Rehabilitation		28 MoReg 1801	29 MoReg 495	
5 CSR 90-7.200	Vocational Rehabilitation		28 MoReg 1801	29 MoReg 495	
5 CSR 90-7.320	Vocational Rehabilitation		28 MoReg 1802	29 MoReg 495	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2222		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2223		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2223		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2224		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2224		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.100	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.125	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2226		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2226		
5 CSR 100-200.140	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.180	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2230		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2231		
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-1.020	Missouri Highways and Transportation Commission		29 MoReg 384		
7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-26.010	Missouri Highways and Transportation Commission		28 MoReg 2231		
7 CSR 10-26.020	Missouri Highways and Transportation Commission		28 MoReg 2237		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 30-1.010	Division of Labor Standards		28 MoReg 2030	29 MoReg 495	
8 CSR 30-4.010	Division of Labor Standards		28 MoReg 2031	29 MoReg 496	
8 CSR 30-4.020	Division of Labor Standards		28 MoReg 2031	29 MoReg 496	
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council		29 MoReg 462		
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council		29 MoReg 463		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-5.190	Director, Department of Mental Health		28 MoReg 2153 This Issue	29 MoReg 496	
9 CSR 10-5.210	Director, Department of Mental Health		28 MoReg 2155	29 MoReg 496	
9 CSR 30-4.195	Certification Standards		29 MoReg 204		
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1805	29 MoReg 497	
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1805	29 MoReg 497	
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1809	29 MoReg 500	
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1812	29 MoReg 500	
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1816	29 MoReg 501	
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-2.260	Air Conservation Commission		28 MoReg 1564	29 MoReg 412	
10 CSR 10-6.240	Air Conservation Commission		29 MoReg 303R		
10 CSR 10-6.241	Air Conservation Commission		29 MoReg 303		
10 CSR 10-6.250	Air Conservation Commission		29 MoReg 307		
10 CSR 10-6.260	Air Conservation Commission		28 MoReg 1911	29 MoReg 675	
10 CSR 20-7.050	Clean Water Commission		28 MoReg 2240		
10 CSR 40-10.020	Land Reclamation Commission		29 MoReg 204		
10 CSR 40-10.050	Land Reclamation Commission		29 MoReg 205		
10 CSR 60-5.010	Public Drinking Water Program		29 MoReg 465		
10 CSR 70-5.040	Soil and Water Districts Commission	28 MoReg 1369	28 MoReg 1916	29 MoReg 502	
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2156	29 MoReg 540	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2157	29 MoReg 540	
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2157	29 MoReg 540	
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2163	29 MoReg 540	
10 CSR 140-2.020	Division of Energy				29 MoReg 415
10 CSR 140-2.030	Division of Energy				29 MoReg 415
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-11.020	Adjutant General		29 MoReg 658		
11 CSR 10-11.070	Adjutant General		29 MoReg 658		
11 CSR 10-11.080	Adjutant General		29 MoReg 659		
11 CSR 10-11.100	Adjutant General		29 MoReg 659		
11 CSR 10-11.110	Adjutant General		29 MoReg 659		
11 CSR 10-11.120	Adjutant General		29 MoReg 660		
11 CSR 10-11.210	Adjutant General		29 MoReg 660		
11 CSR 45-1.020	Missouri Gaming Commission		29 MoReg 390		
11 CSR 45-4.260	Missouri Gaming Commission		29 MoReg 535		
11 CSR 45-5.200	Missouri Gaming Commission		29 MoReg 535		
11 CSR 45-6.030	Missouri Gaming Commission		28 MoReg 2241	29 MoReg 541W	
11 CSR 45-10.030	Missouri Gaming Commission		29 MoReg 390		
11 CSR 50-2.400	Missouri State Highway Patrol		29 MoReg 390		
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		29 MoReg 43		
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		29 MoReg 43		
11 CSR 75-13.030	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-13.060	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-14.030	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-16.010	Peace Officer Standards and Training Program		29 MoReg 311		
11 CSR 80-5.010	Missouri State Water Patrol		28 MoReg 2243	29 MoReg 502	
11 CSR 80-9.010	Missouri State Water Patrol		29 MoReg 44	29 MoReg 678	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-2.055	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-2.060	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-2.235	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-7.180	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-7.210	Director of Revenue		28 MoReg 2246R	29 MoReg 541R	
12 CSR 10-7.220	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-7.290	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-7.310	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-7.330	Director of Revenue		28 MoReg 2247R	29 MoReg 542R	
12 CSR 10-23.424	Director of Revenue		28 MoReg 2032	29 MoReg 412	
12 CSR 10-23.460	Director of Revenue		28 MoReg 2248	29 MoReg 542	
12 CSR 10-24.040	Director of Revenue		28 MoReg 2032	29 MoReg 412	
12 CSR 10-24.200	Director of Revenue		28 MoReg 2033	29 MoReg 412	
12 CSR 10-24.450	Director of Revenue		28 MoReg 2034R	29 MoReg 412R	
12 CSR 10-41.010	Director of Revenue	28 MoReg 2207	29 MoReg 90	29 MoReg 679	
12 CSR 30-4.010	State Tax Commission		29 MoReg 206		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35-80.010	Children's Division	29 MoReg 261	29 MoReg 311		
13 CSR 35-80.020	Children's Division	29 MoReg 262	29 MoReg 314		
13 CSR 40-2.310	Division of Family Services	28 MoReg 1421	28 MoReg 1423 29 MoReg 392		
13 CSR 40-2.380	Division of Family Services	28 MoReg 1421	28 MoReg 1423 29 MoReg 392		
13 CSR 40-19.020	Family Support Division	28 MoReg 1892	28 MoReg 1916	29 MoReg 542	
13 CSR 70-3.120	Division of Medical Services		28 MoReg 2248		
13 CSR 70-10.015	Division of Medical Services	28 MoReg 1894 28 MoReg 1985T	28 MoReg 1918	29 MoReg 543	
			This Issue		
13 CSR 70-10.080	Division of Medical Services	28 MoReg 1897 28 MoReg 1985T	28 MoReg 1924	29 MoReg 543	
13 CSR 70-10.110	Division of Medical Services	28 MoReg 1898 28 MoReg 1985T	28 MoReg 1926	29 MoReg 543	
13 CSR 70-15.010	Division of Medical Services		29 MoReg 393		
13 CSR 70-15.180	Division of Medical Services		28 MoReg 2249		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 2163	29 MoReg 503	
13 CSR 70-90.010	Division of Medical Services		29 MoReg 317		
13 CSR 70-91.010	Division of Medical Services		29 MoReg 317		
13 CSR 70-91.030	Division of Medical Services		29 MoReg 326		
13 CSR 70-95.010	Division of Medical Services		29 MoReg 326		
13 CSR 70-98.010	Division of Medical Services		28 MoReg 1111		
13 CSR 70-98.015	Division of Medical Services		28 MoReg 2253		
13 CSR 70-98.020	Division of Medical Services		29 MoReg 327		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-1.010	Secretary of State		28 MoReg 2034R 28 MoReg 2034	29 MoReg 679R 29 MoReg 679	
15 CSR 30-8.020	Secretary of State		28 MoReg 1928	29 MoReg 543	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-8.030	Secretary of State		28 MoReg 1928	29 MoReg 543	
15 CSR 30-12.010	Secretary of State		28 MoReg 1931	29 MoReg 543	
15 CSR 30-45.040	Secretary of State		28 MoReg 2037R	29 MoReg 413R	
			28 MoReg 2038	29 MoReg 413	
		28 MoReg 1626	28 MoReg 1674	29 MoReg 100	
15 CSR 30-51.171	Secretary of State		29 MoReg 400		
15 CSR 30-51.175	Secretary of State		29 MoReg 480		
15 CSR 30-54.175	Secretary of State	28 MoReg 1985	28 MoReg 2041	29 MoReg 413	
15 CSR 30-54.230	Secretary of State		28 MoReg 2041R	29 MoReg 413R	
15 CSR 30-54.240	Secretary of State		28 MoReg 2041R	29 MoReg 413R	
15 CSR 30-54.280	Secretary of State		28 MoReg 2042R	29 MoReg 413R	
15 CSR 30-55.110	Secretary of State	28 MoReg 1659	28 MoReg 1705	29 MoReg 112	
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 15-4.060	Division of Senior Services	28 MoReg 1756	28 MoReg 1837	29 MoReg 116	
19 CSR 20-28.010	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 1933	29 MoReg 503	
19 CSR 25-30.051	Division of Administration		29 MoReg 328		
19 CSR 25-33.010	Division of Administration		28 MoReg 2163	29 MoReg 503	
19 CSR 25-34.010	Division of Administration		28 MoReg 2164R	29 MoReg 504R	
			28 MoReg 2164	29 MoReg 504	
19 CSR 30-82.015	Division of Health Standards and Licensure	28 MoReg 1756	28 MoReg 1837	29 MoReg 116	
19 CSR 30-82.060	Division of Health Standards and Licensure	28 MoReg 1986	28 MoReg 2042	29 MoReg 414	
19 CSR 30-82.080	Division of Health Standards and Licensure	28 MoReg 1757	28 MoReg 1838	29 MoReg 116	
19 CSR 30-82.090	Division of Health Standards and Licensure		28 MoReg 2254		
19 CSR 30-83.010	Division of Health Standards and Licensure	28 MoReg 1758	28 MoReg 1839	29 MoReg 116	
19 CSR 30-85.042	Division of Health Standards and Licensure	28 MoReg 1758	28 MoReg 1839	29 MoReg 117	
19 CSR 30-86.042	Division of Health Standards and Licensure	28 MoReg 1759	28 MoReg 1839	29 MoReg 117	
19 CSR 30-88.010	Division of Health Standards and Licensure		29 MoReg 536		
19 CSR 60-50	Missouri Health Facilities Review Committee				29 MoReg 226 29 MoReg 680
<b>DEPARTMENT OF INSURANCE</b>					
20 CSR	Medical Malpractice				27 MoReg 415 28 MoReg 489 29 MoReg 505
20 CSR	Sovereign Immunity Limits				27 MoReg 41 27 MoReg 2319 28 MoReg 2265
20 CSR 10-1.020	General Administration		28 MoReg 1937	29 MoReg 504	
20 CSR 400-1.160	Life, Annuities and Health		29 MoReg 538		
20 CSR 400-7.095	Life, Annuities and Health		29 MoReg 328		
20 CSR 400-7.200	Life, Annuities and Health		28 MoReg 1715 29 MoReg 539		
20 CSR 500-6.700	Property and Casualty				This Issue
20 CSR 600-1.020	Statistical Reporting		29 MoReg 207		This Issue
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-1.010	Health Care Plan		29 MoReg 208		
22 CSR 10-1.020	Health Care Plan		29 MoReg 208		
22 CSR 10-2.010	Health Care Plan		29 MoReg 209		
22 CSR 10-2.020	Health Care Plan	29 MoReg 87	29 MoReg 209		
22 CSR 10-2.080	Health Care Plan		29 MoReg 210		

## Emergency Rules in Effect as of May 3, 2004

## Publication

## Expires

### Department of Agriculture

#### Animal Health

- 2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri . . . 29 MoReg 571 . . . . .August 27, 2004  
2 CSR 30-2.040 Animal Health Requirements for Exhibition . . . . . 29 MoReg 572 . . . . .August 27, 2004  
2 CSR 30-3.020 Brucellosis Quarantine Requirements on Cattle . . . . . 29 MoReg 573 . . . . .August 27, 2004  
2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian . . . . . 29 MoReg 573 . . . . .August 27, 2004

#### Weights and Measures

- 2 CSR 90-11.010 ANSI K61.1, Safety Requirements for the Storage and  
Handling of Anhydrous Ammonia . . . . . 28 MoReg 2207 . . . . .May 12, 2004

### Department of Economic Development

#### Public Service Commission

- 4 CSR 240-32.200 General Provisions for the Assignment, Provision and  
Termination of 211 Service . . . . . 29 MoReg 459 . . . . .September 10, 2004

### Department of Revenue

#### Director of Revenue

- 12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . . 20 MoReg 2207 . . . . .June 28, 2004

### Department of Social Services

#### Children's Division

- 13 CSR 35-80.010 Residential Foster Care Maintenance Methodology . . . . . 29 MoReg 261 . . . . .July 23, 2004  
13 CSR 35-80.020 Residential Care Agency Cost Reporting System . . . . . 29 MoReg 262 . . . . .July 23, 2004

### Missouri Consolidated Health Care Plan

#### Health Care Plan

- 22 CSR 10-2.020 Membership Agreement and Participation Period . . . . . 29 MoReg 87 . . . . .June 29, 2004

**Executive  
Orders****Subject Matter****Filed Date****Publication****2004**

<b>04-01</b>	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
<b>04-02</b>	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
<b>04-03</b>	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
<b>04-04</b>	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
<b>04-05</b>	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
<b>04-06</b>	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
<b>04-07</b>	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
<b>04-08</b>	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
<b>04-09</b>	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533

**2003**

<b>03-01</b>	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
<b>03-02</b>	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
<b>03-03</b>	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
<b>03-04</b>	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
<b>03-05</b>	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
<b>03-06</b>	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
<b>03-07</b>	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
<b>03-08</b>	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556
<b>03-09</b>	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
<b>03-10</b>	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
<b>03-11</b>	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
<b>03-12</b>	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
<b>03-13</b>	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
<b>03-14</b>	Temporarily suspends enforcement of environmental rules due to the May 4th [et al.] tornadoes	May 7, 2003	28 MoReg 954
<b>03-15</b>	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
<b>03-16</b>	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
<b>03-17</b>	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
<b>03-18</b>	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
<b>03-19</b>	Creates the Public Safety Communications Committee	December 10, 2003	29 MoReg 9
<b>03-20</b>	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12
<b>03-21</b>	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
<b>03-22</b>	Establishes the Missouri Sexual Offender Registration Task Force	December 10, 2003	29 MoReg 14
<b>03-23</b>	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
<b>03-24</b>	Establishes the Governor's Commission on Hispanic Affairs	November 8, 2003	28 MoReg 2085
<b>03-25</b>	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
<b>03-26</b>	Reestablishes the Office of Information Technology as the mechanism for coordinating information technology initiatives for the state	December 10, 2003	29 MoReg 21
<b>03-27</b>	Use of Missouri products and services	December 2, 2003	28 MoReg 2209

The rule number and the MoReg publication date follow each entry to this index.

## ACCOUNTANCY, STATE BOARD OF

certificates, permits, temporary; 4 CSR 10-2.021; 12/1/03, 4/15/04  
clients, responsibilities to; 4 CSR 10-3.040; 12/1/03, 4/15/04  
complaints; 4 CSR 10-1.030; 12/1/03, 4/15/04  
continuing education requirements  
documentation; 4 CSR 10-4.031; 12/1/03, 4/15/04  
effective dates; 4 CSR 10-4.010; 12/1/03, 4/15/04  
evidence, reporting and supporting; 4 CSR 10-4.050; 12/1/03, 4/15/04  
exceptions, waivers; 4 CSR 10-4.041; 12/1/03, 4/15/04  
hours, measurement; 4 CSR 10-4.040; 12/1/03, 4/15/04  
programs, qualifying; 4 CSR 10-4.020; 12/1/03, 4/15/04  
subjects, qualifying; 4 CSR 10-4.030; 12/1/03, 4/15/04  
CPA certificate, eligibility; 4 CSR 10-2.010; 12/1/03, 4/15/04  
definitions; 4 CSR 10-2.005; 12/1/03, 4/15/04  
resident of this state; 4 CSR 10-2.042; 12/1/03, 4/15/04  
display of permits; 4 CSR 10-2.115; 12/1/03, 4/15/04  
ethics rules, purpose; 4 CSR 10-3.010; 12/1/03, 4/15/04  
evidence of work experience; 4 CSR 10-2.062; 12/1/03, 4/15/04  
examination  
application for; 4 CSR 10-2.130; 12/1/03, 4/15/04  
eligibility for; 4 CSR 10-2.041; 12/1/03, 4/15/04  
ethics; 4 CSR 10-2.120; 12/1/03, 4/15/04  
granting of credit for; 4 CSR 10-2.140; 12/1/03, 4/15/04  
procedures; 4 CSR 10-2.150; 12/1/03, 4/15/04  
requirements to satisfy within 60 days; 4 CSR 10-2.135; 12/1/03, 4/15/04  
fees; 4 CSR 10-2.160; 12/1/03, 4/15/04  
hearings, peer review; 4 CSR 10-2.180; 12/1/03, 4/15/04  
independence, integrity, objectivity; 4 CSR 10-3.020; 12/1/03, 4/15/04  
licenses  
reinstatement of; 4 CSR 10-2.075; 12/1/03, 4/15/04  
renewal; 4 CSR 10-2.070; 12/1/03, 4/15/04  
requirements for initial; 4 CSR 10-2.061; 12/1/03, 4/15/04  
organization; 4 CSR 10-1.010; 12/1/03, 4/15/04  
ownership of CPA firms; 4 CSR 10-2.095; 12/1/03, 4/15/04  
peer review; 4 CSR 10-2.210; 12/1/03, 4/15/04  
administration; 4 CSR 10-5.100; 12/1/03, 5/3/04  
firms subject to; 4 CSR 10-5.080; 12/1/03, 5/3/04  
oversight; 4 CSR 10-5.110; 12/1/03, 5/3/04  
renewal of firm permit; 4 CSR 10-5.090; 12/1/03, 5/3/04  
standards; 4 CSR 10-5.070; 12/1/03, 5/3/04  
permit renewal, accounting firm; 4 CSR 10-2.072; 12/1/03, 4/15/04  
reciprocity; 4 CSR 10-2.030; 12/1/03, 4/15/04  
registration  
each office; 4 CSR 10-2.111; 12/1/03, 4/15/04  
firms; 4 CSR 10-2.051; 12/1/03, 4/15/04  
governmental offices; 4 CSR 10-2.112; 12/1/03, 4/15/04  
release of information; 4 CSR 10-1.040; 12/1/03, 4/15/04  
requirements to be accredited; 4 CSR 10-2.215; 12/1/03, 4/15/04  
resident manager; 4 CSR 10-2.101; 12/1/03, 4/15/04  
responsibilities, practices; 4 CSR 10-3.060; 12/1/03, 4/15/04  
standards, competence, technical; 4 CSR 10-3.030; 12/1/03, 4/15/04  
subpoenas; 4 CSR 10-2.190; 12/1/03, 4/15/04  
use of the title certified public accountant; 4 CSR 10-2.200; 12/1/03, 4/15/04

## ACUPUNCTURIST ADVISORY COMMITTEE

fees; 4 CSR 15-1.030; 4/15/04  
license renewal; 4 CSR 15-2.020; 4/15/04  
standards of practice; 4 CSR 15-3.010; 4/15/04  
supervision of trainees; 4 CSR 15-4.020; 4/15/04

## ADJUTANT GENERAL

assistance  
individual; 11 CSR 10-11.080; 4/15/04  
political subdivision; 11 CSR 10-11.070; 4/15/04  
disasters, major; 11 CSR 10-11.100; 4/15/04  
inspectors, volunteers; 11 CSR 10-11.120; 4/15/04  
limitations; 11 CSR 10-11.110; 4/15/04  
organization, MERC; 11 CSR 10-11.210; 4/15/04  
resources management plan; 11 CSR 10-11.020; 4/15/04  
veteran's recognition program; 11 CSR 10-5.010; 9/2/03, 1/2/04

## ADMINISTRATION, OFFICE OF

retirement policy; 1 CSR 10-18.010; 9/2/03, 10/1/03, 1/15/04

## AGRICULTURE, DEPARTMENT OF

laboratory services, fees; 2 CSR 30-1.020; 4/15/04  
organization; 2 CSR 30-1.010; 4/15/04

## AIR QUALITY, POLLUTION

control of petroleum liquid storage, loading, transfer; 10 CSR 10-2.260; 9/15/03, 3/1/04  
emissions  
sulfur compounds; 10 CSR 10-6.260; 11/3/03, 4/15/04

## ALCOHOL AND TOBACCO CONTROL, DIVISION OF

licensees; 11 CSR 70-2.140; 1/2/04  
retail; 11 CSR 70-2.120; 1/2/04

## ANIMAL FACILITIES

loan guarantee program; 2 CSR 100-6.010; 10/15/03, 2/17/04

## ANIMAL HEALTH

brucellosis, quarantine, calves; 2 CSR 30-3.020; 4/15/04  
duties, market sale veterinarian; 2 CSR 30-6.020; 4/15/04  
exhibition, requirements; 2 CSR 30-2.040; 4/15/04  
livestock, poultry, exotic animals  
movement within Missouri; 2 CSR 30-2.020; 4/15/04

## ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

architects  
continuing education; 4 CSR 30-11.025; 4/15/04  
evaluation; 4 CSR 30-4.060; 10/15/03, 2/2/04  
seals; 4 CSR 30-3.020; 9/2/03, 1/15/04  
engineers  
seals; 4 CSR 30-3.030; 9/2/03, 1/15/04  
fees; 4 CSR 30-6.015; 10/15/03, 2/2/04  
reexamination; 4 CSR 30-6.020; 10/15/03, 2/2/04  
landscape architect  
admission to exam; 4 CSR 30-5.150; 10/15/03, 2/2/04  
CLARB examination; 4 CSR 30-5.140; 10/15/03, 2/2/04  
evaluation; 4 CSR 30-4.090; 10/15/03, 2/2/04  
seals; 4 CSR 30-3.050; 9/2/03, 1/15/04  
land surveyors  
seals; 4 CSR 30-3.040; 9/2/03, 1/15/04  
seal, license; 4 CSR 30-3.060; 9/2/03, 1/15/04  
standards; 4 CSR 30-2.040; 4/15/04

## ASBESTOS

abatement projects; 10 CSR 10-6.240, 10 CSR 10-6.241; 2/17/04  
certification; 10 CSR 10-6.250; 2/17/04

## ASSISTIVE TECHNOLOGY

loan program; 8 CSR 70-1.020; 3/15/04  
telecommunications access; 8 CSR 70-1.010; 3/15/04

**BARBER EXAMINERS, STATE BOARD OF**

reinstatement of expired license; 4 CSR 60-1.040; 9/2/03, 12/15/03  
sanitation rules; 4 CSR 60-4.015; 9/2/03, 12/15/03

**BINGO**

duty to report, licensee; 11 CSR 45-30.550; 6/16/03, 12/1/03  
paraphernalia, approval; 11 CSR 45-30.540; 6/16/03, 12/1/03

**BLOOD ALCOHOL CONTENT**

standard simulator solutions; 19 CSR 25-30.051; 2/17/04

**BOATER SAFETY EDUCATION**

mandatory program; 11 CSR 80-9.010; 1/2/04, 4/15/04

**BOLL WEEVIL ERADICATION**

program participation, fee, penalties; 2 CSR 70-13.030; 9/15/03, 2/17/04

**CERTIFICATE OF NEED PROGRAM**

criteria and standards  
    long-term care; 19 CSR 60-50.450; 2/2/04  
definitions; 19 CSR 60-50.300; 2/2/04  
letter of intent  
    process; 19 CSR 60-50.400; 2/2/04  
review process; 19 CSR 60-50.420; 2/2/04

**CHILDREN'S DIVISION**

residential care cost reporting system; 13 CSR 35-80.020; 2/17/04  
residential foster care maintenance methodology; 13 CSR 35-80.010; 2/17/04

**CHIROPRACTIC EXAMINERS, BOARD OF**

adjunctive procedures; 4 CSR 70-2.030; 9/2/03, 12/15/03  
application for licensure; 4 CSR 70-2.040; 9/2/03, 12/15/03  
colleges, board approved; 4 CSR 70-2.045; 9/2/03, 12/15/03  
complaint handling and disposition; 4 CSR 70-2.065; 9/2/03, 12/15/03  
corporations, professional; 4 CSR 70-2.100; 9/2/03, 12/15/03  
diagnostic procedures, instruments; 4 CSR 70-2.020; 9/2/03, 12/15/03  
education; renewal and postgraduate; 4 CSR 70-4.030; 1/15/04, 5/3/04  
examinations; 4 CSR 70-2.050; 9/2/03, 12/15/03  
fees; 4 CSR 70-2.090; 9/2/03, 12/15/03  
insurance consultant; 4 CSR 70-4.010; 1/15/04, 5/3/04  
license renewal, biennial; 4 CSR 70-2.080; 9/2/03, 12/15/03  
meridian therapy, acupressure, acupuncture; 4 CSR 70-2.031; 5/3/04  
organization; 4 CSR 70-1.010; 9/2/03, 12/15/03  
postgraduate education; 4 CSR 70-2.081; 9/2/03, 12/15/03  
preceptorship; 4 CSR 70-3.010; 9/2/03, 12/15/03  
professional conduct rules; 4 CSR 70-2.060; 9/2/03, 12/15/03  
reciprocity; 4 CSR 70-2.070; 9/2/03, 12/15/03

**CLEAN WATER COMMISSION**

impaired waterbody list; 10 CSR 20-7.050; 12/15/03  
permit, construction and operating; 10 CSR 20-6.010; 6/16/03, 12/1/03

**CONSERVATION COMMISSION**

black bass; 3 CSR 10-6.505; 11/17/03, 2/2/04  
boats and motors  
    use of; 3 CSR 10-12.110; 11/17/03, 2/2/04  
breeders, wildlife; 3 CSR 10-9.353; 2/2/04, 4/15/04  
bullfrogs, green frogs; 3 CSR 10-12.115; 11/17/03, 2/2/04  
cable restraint permit, resident; 3 CSR 10-5.375; 11/17/03, 2/2/04  
catfish; 3 CSR 10-6.510; 11/17/03, 2/2/04  
commercial fishing; 3 CSR 10-10.725; 2/2/04, 5/3/04  
definitions; 3 CSR 10-20.805; 11/17/03, 2/2/04, 4/15/04

dog training area; 3 CSR 10-9.628; 11/17/03, 2/2/04  
field trial permit; 3 CSR 10-9.625; 11/17/03, 2/2/04  
fishing  
    commercial permit; 3 CSR 10-10.720; 11/17/03, 2/2/04  
    daily and possession limits;  
        3 CSR 10-11.210; 11/17/03, 2/2/04;  
        3 CSR 10-12.140; 11/17/03, 2/2/04  
    hours and methods; 3 CSR 10-11.205; 11/17/03, 2/2/04  
    length limits; 3 CSR 10-11.215, 3 CSR 10-12.145; 11/17/03, 2/2/04  
    methods; 3 CSR 10-12.135; 11/17/03, 2/2/04  
    permit, daily; 3 CSR 10-5.440; 11/17/03, 2/2/04  
    permits, resident; 3 CSR 10-5.340; 11/17/03, 2/2/04  
        lifetime conservation partner; 3 CSR 10-5.310; 11/17/03, 2/2/04  
furbearers, trapping seasons; 3 CSR 10-8.515; 11/17/03, 2/2/04  
    nonresident hunting, trapping permit; 3 CSR 10-5.570; 11/17/03, 2/2/04  
hound dog running area; 3 CSR 10-5.470; 11/17/03, 2/2/04  
    privileges, requirements; 3 CSR 10-9.575; 11/17/03, 2/2/04  
hunting  
    furbearers; 3 CSR 10-7.450; 11/17/03, 2/2/04  
    general provisions; 3 CSR 10-11.180; 11/17/03, 2/2/04  
    methods; 3 CSR 10-7.410; 11/17/03, 2/2/04  
    provisions, seasons; 3 CSR 10-11.180; 11/17/03, 2/2/04  
hunting, trapping; 3 CSR 10-12.125; 11/17/03, 2/2/04  
licensed hunting preserve; 3 CSR 10-9.565; 11/17/03, 2/2/04, 4/15/04  
other fish; 3 CSR 10-6.550; 2/2/04, 5/3/04  
paddlefish; 3 CSR 10-6.525; 11/17/03, 2/2/04  
permit, firearms  
    obtained, not transferable; 3 CSR 10-5.215; 11/17/03, 2/2/04  
    nonresident firearms  
    required, exceptions; 3 CSR 10-5.205; 11/17/03, 2/2/04  
permit, hunting and fishing; 3 CSR 10-5.330; 11/17/03, 2/2/04  
prohibitions, general;  
    3 CSR 10-9.110; 11/17/03, 2/2/04;  
    3 CSR 10-4.110; 11/17/03, 2/2/04  
provisions, general; 3 CSR 10-7.405; 11/17/03, 2/2/04  
restricted zones; 3 CSR 10-6.415; 11/17/03, 2/2/04  
rock bass, warmouth; 3 CSR 10-6.530; 11/17/03, 2/2/04  
sale, possession of wildlife parts; 3 CSR 10-10.768; 11/17/03, 2/2/04  
small game permit; 3 CSR 10-5.320; 11/17/03, 2/2/04  
    daily; 3 CSR 10-5.445; 11/17/03, 2/2/04  
    resident; 3 CSR 10-5.345; 11/17/03, 2/2/04  
squirrels; 3 CSR 10-7.425; 11/17/03, 2/2/04  
sturgeon; 3 CSR 10-6.533; 2/2/04, 5/3/04  
    commercial harvest permit; 3 CSR 10-10.722; 2/2/04, 5/3/04  
taxidermy; 3 CSR 10-10.767; 11/17/03, 2/2/04  
turkey; 3 CSR 10-7.455; 12/1/03, 2/2/04, 2/17/04  
    resident hunting permit; 3 CSR 10-5.365; 11/17/03, 2/2/04  
    seasons; 3 CSR 10-7.455; 11/17/03  
use of traps; 3 CSR 10-8.510; 11/17/03, 2/2/04;  
    3 CSR 10-8.505; 12/1/03, 2/17/04  
wildlife confinement standards; 3 CSR 10-9.220; 12/15/03, 3/1/04  
youth deer and turkey hunting permit; 3 CSR 10-5.420; 11/17/03, 2/2/04

**COSMETOLOGY, STATE BOARD OF**

apprentices; 4 CSR 90-5.010; 12/1/03, 3/15/04  
fees; 4 CSR 90-13.010; 12/1/03, 3/15/04  
license, reinstatement; 4 CSR 90-12.070; 12/1/03, 3/15/04  
reciprocity; 4 CSR 90-7.010; 12/1/03, 3/15/04  
registration, instructor trainees; 4 CSR 90-12.020; 12/1/03, 3/15/04  
sanitation; 4 CSR 90-11.010; 12/1/03, 3/15/04

students; 4 CSR 90-3.010; 12/1/03, 3/15/04  
training hours; 4 CSR 90-8.010; 12/1/03, 3/15/04  
violations; 4 CSR 90-10.010; 12/1/03, 3/15/04

**DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE**

application; 5 CSR 100-200.050; 12/15/03  
certification  
    maintenance; 5 CSR 100-200.130; 12/15/03  
    renewal; 5 CSR 100-200.125; 12/15/03  
    restricted; 5 CSR 100-200.040; 12/15/03  
    system; 5 CSR 100-200.030; 12/15/03  
conversion procedures; 5 CSR 100-200.100; 12/15/03  
fees; 5 CSR 100-200.150; 12/15/03  
grievance procedure, appeal rights; 5 CSR 100-200.180; 12/15/03  
name and address change; 5 CSR 100-200.140; 12/15/03  
organization; 5 CSR 100-200.010; 12/15/03  
performance test, evaluation; 5 CSR 100-200.070; 12/15/03  
provisional restricted certification; 5 CSR 100-200.045; 9/15/03,  
    1/15/04  
reinstatement; 5 CSR 100-200.210; 12/15/03  
skill level standards; 5 CSR 100-200.170; 12/15/03  
voluntary recertification; 5 CSR 100-200.075; 12/15/03  
written test; 5 CSR 100-200.060; 12/15/03

**DENTAL BOARD, MISSOURI**

committee administrator; 4 CSR 110-3.050; 4/15/04  
confidentiality; 4 CSR 110-3.040; 4/15/04  
definitions; 4 CSR 110-3.010; 4/15/04  
dental hygienists; 4 CSR 110-2.130; 1/15/04  
membership, organization; 4 CSR 110-3.020; 4/15/04  
well being committee, contractor; 4 CSR 110-3.030; 4/15/04

**DRINKING WATER, PUBLIC PROGRAM**

procedures for analysis; 10 CSR 60-5.010; 3/15/04

**DRIVERS LICENSE BUREAU RULES**

classes; 12 CSR 10-24.200; 11/17/03, 3/1/04  
commercial driver instruction permit; 12 CSR 10-24.390; 8/1/03,  
    11/17/03  
complaints; 12 CSR 10-26.120; 10/1/03, 1/15/04  
driver license; 12 CSR 10-24.430; 10/1/03, 1/15/04  
DWI rehabilitation program; 12 CSR 10-24.040; 11/17/03, 3/1/04  
expiration dates, staggering; 12 CSR 10-24.450; 11/17/03, 3/1/04  
school bus permits; 12 CSR 10-24.385; 8/1/03, 11/17/03  
vision test guidelines; 12 CSR 10-24.090; 10/1/03, 1/15/04

**ELEMENTARY AND SECONDARY EDUCATION**

application, certificate to teach; 5 CSR 80-800.200; 10/15/03,  
    3/15/04  
    administrators; 5 CSR 80-800.220; 10/15/03, 3/15/04  
    adult education, literacy; 5 CSR 80-800.280; 10/15/03,  
        3/15/04  
    classifications; 5 CSR 80-800.360; 10/15/03, 3/15/04  
    content areas; 5 CSR 80-800.350; 10/15/03, 3/15/04  
    discipline and denial; 5 CSR 80-800.300; 10/15/03, 3/15/04  
    student services; 5 CSR 80-800.230; 10/15/03, 3/15/04  
    substitute; 5 CSR 80-800.290; 10/15/03, 3/15/04  
    temporary authorization; 5 CSR 80-800.260; 10/15/03,  
        3/15/04  
    vocational-technical certificate; 5 CSR 80-800.270; 10/15/03,  
        3/15/04  
assessments, required; 5 CSR 80-800.380; 10/15/03, 3/15/04  
background clearance; 5 CSR 80-800.400; 10/15/03, 3/15/04  
fees; 5 CSR 80-800.370; 10/15/03, 3/15/04  
incentives, school excellence program; 5 CSR 50-310.010; 6/2/03,  
    10/1/03  
Individuals with Disabilities Education Act  
    Part B; 5 CSR 70-742.140; 2/17/04  
    Part C; 5 CSR 70-742.141; 2/17/04

personal care assistance program  
    definitions; 5 CSR 90-7.010; 10/15/03, 3/15/04  
    eligibility; 5 CSR 90-7.100; 10/15/03, 3/15/04  
    hearings; 5 CSR 90-7.320; 10/15/03, 3/15/04  
    providers; 5 CSR 90-7.200; 10/15/03, 3/15/04

**EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD**

charges, written statement; 4 CSR 120-2.080; 2/2/04  
compensation, board member; 4 CSR 120-1.020; 2/2/04  
complaint handling, disposition procedure; 4 CSR 120-2.110;  
    2/2/04  
complaints against board members; 4 CSR 120-2.115; 2/2/04  
crematory area; 4 CSR 120-2.071; 2/2/04  
definitions; 4 CSR 120-1.040; 2/2/04  
establishments, funeral; 4 CSR 120-2.070; 2/2/04  
fees; 4 CSR 120-2.100; 2/2/04  
funeral directing; 4 CSR 120-2.060; 2/2/04  
license, biennial  
    by reciprocity; 4 CSR 120-2.040; 2/2/04  
    registration with local registrars; 4 CSR 120-2.030;  
        2/2/04  
    renewal; 4 CSR 120-2.020; 2/2/04  
    retired; 4 CSR 120-2.022; 2/2/04  
organization; 4 CSR 120-1.010; 2/2/04  
preparation rooms; 4 CSR 120-2.090; 2/2/04  
registration, apprenticeship; 4 CSR 120-2.010; 2/2/04  
rules, miscellaneous; 4 CSR 120-2.050; 2/2/04

**ENERGY ASSISTANCE**

low income program; 13 CSR 40-19.020; 11/3/03; 4/1/04

**EXECUTIVE ORDERS**

Automotive Partnership; 04-03; 2/2/04  
committee to end chronic homelessness; 03-17; 11/3/03  
Communications Committee, Public Safety; 03-19; 1/2/04  
cyber security policies and procedures; 03-25; 1/2/04  
Governor's Council on Disability and Assistive Technology Council  
    transfers to Office of Administration; 04-08; 2/17/04  
Hispanic Affairs, Commission on; 03-24; 12/15/03  
holiday schedule, state offices; 03-21; 11/17/03  
Information Technology, Office of; 03-26; 1/2/04  
Medal of Valor; 04-01; 2/17/04  
Methamphetamine Education and Prevention Task Force; 04-04  
    2/2/04  
Methamphetamine Enforcement and Environmental Protection  
    Task Force; 04-06; 2/2/04  
Methamphetamine Treatment Task Force; 04-05; 2/2/04  
Patient Safety, Commission on; 03-16; 10/15/03  
Patient Safety, Commission on; 04-07; 2/17/04  
Sexual Offender Registration Task Force; 03-22; 1/2/04  
small business regulatory fairness board; 03-15; 10/1/03  
State Citizen Council added to the Disaster Recovery Partnership;  
    03-23; 1/2/04  
state communications, Mo Highway Patrol as lead agency;  
    03-18; 1/2/04  
supervisory authority; 03-08; 9/15/03  
supervisory authority; 04-02; 2/17/04  
two-way radios, interoperability channels; 03-20; 1/2/04  
Use of Missouri products and services; 03-27; 12/15/03  
vendors and procurement; 04-09; 4/1/04

**FACILITIES MANAGEMENT, DIVISION OF**

leasing, administration; 1 CSR 35-2.030; 11/17/03, 3/1/04  
public use of state facilities; 1 CSR 35-1.050; 11/17/03, 3/1/04

**FAMILY SUPPORT, DIVISION OF**

grandparents as foster parents; 13 CSR 40-2.380; 8/15/03, 3/1/04  
temporary assistance, aliens; 13 CSR 40-2.310; 8/15/03, 3/1/04

**GAMING COMMISSION, MISSOURI**

commission meetings; 11 CSR 45-1.020; 3/1/04

disciplinary action; 11 CSR 45-13.050; 8/1/03, 1/2/04  
 duty to report and prevent misconduct; 11 CSR 45-10.030; 3/1/04  
 hearings; 11 CSR 45-13.010; 8/1/03, 1/2/04  
   bingo hearings; 11 CSR 45-13.051; 8/1/03, 1/2/04  
   gaming applicants; 11 CSR 45-13.045; 8/1/03, 1/2/04  
   officer; 11 CSR 45-13.020; 8/1/03, 1/2/04  
   proceedings; 11 CSR 45-13.060; 8/1/03, 1/2/04  
   prohibition on ex parte communications; 11 CSR 45-13.080;  
     8/1/03, 1/2/04  
   request for hearings; 11 CSR 45-13.030; 8/1/03, 1/2/04  
   transmittal of record; 11 CSR 45-13.070; 8/1/03, 1/2/04  
 licenses, occupational; 11 CSR 45-4.260; 4/1/04  
 minimum internal control standards; 11 CSR 45-9.030; 6/16/03,  
   12/1/03  
 slot machines; 11 CSR 45-5.200; 4/1/04  
 weapons on the riverboat; 11 CSR 45-6.030; 12/15/03; 4/1/04

#### **HEALING ARTS, BOARD OF REGISTRATION FOR**

fees, 4 CSR 150-2.080; 9/2/03, 12/15/03

**HEALTH CARE PLAN, MISSOURI CONSOLIDATED**  
 definitions; 22 CSR 10-2.010; 2/2/04  
 membership agreement, participation period; 22 CSR 10-2.020;  
   1/15/04, 2/2/04  
 organization; 22 CSR 10-1.010; 2/2/04  
 provisions, miscellaneous; 22 CSR 10-2.080; 2/2/04  
 records, public; 22 CSR 10-1.020; 2/2/04

**HEALTH MAINTENANCE ORGANIZATIONS**  
 definitions; 19 CSR 10-5.010; 10/15/03, 2/2/04

**HEARING INSTRUMENT SPECIALISTS**  
 permit, temporary; 4 CSR 165-2.010; 4/15/04

**HIGHWAYS AND TRANSPORTATION COMMISSION**  
 arbitration proceeding; 7 CSR 10-26.010; 12/15/03  
 mediation; 7 CSR 10-26.020; 12/15/03  
 subpoenas; 7 CSR 10-1.020; 3/1/04

**HOME HEALTH AGENCY**  
 hiring restrictions; 19 CSR 30-82.060; 11/17/03, 3/1/04

**IMMUNIZATIONS**  
 school children; 19 CSR 20-28.010; 11/3/03, 3/15/04

**INSURANCE, DEPARTMENT OF**  
 continuing education; 20 CSR 700-3.200; 10/1/03, 1/15/04  
 dram shop cost data reporting; 20 CSR 600-1.020; 2/2/04  
 financial statement, diskette filing; 20 CSR 200-1.030; 10/1/03,  
   1/15/04  
 interpretation of referenced or adopted material;  
   20 CSR 10-1.020; 11/3/03, 3/15/04  
 HMO access plans; 20 CSR 400-7.095; 2/17/04  
 medical malpractice award; 20 CSR; 3/1/02, 3/3/03, 3/15/04  
 mortality table; 20 CSR 400-1.160; 4/1/04  
 provider selection standards; 20 CSR 400-7.200; 4/1/04  
 sovereign immunity limits; 20 CSR; 1/2/02, 12/16/02, 12/15/03  
 who must file; 20 CSR 200-10.100; 10/1/03, 1/15/04  
 valuation of invested assets; 20 CSR 200-1.025; 10/1/03, 1/15/04

**INTERPRETERS, STATE COMMITTEE OF**  
 principles, general; 4 CSR 232-3.010; 10/15/03, 2/2/04

**LABORATORIES**  
 HIV testing; 19 CSR 25-33.010; 12/1/03, 3/15/04  
 syphilis testing; 19 CSR 25-34.010; 12/1/03, 3/15/04

**LABOR STANDARDS, DIVISION OF**  
 definitions; 8 CSR 30-4.010; 11/17/03, 3/15/04  
 organization; 8 CSR 30-1.010; 11/17/03, 3/15/04

wage rates; 8 CSR 30-4.020; 11/17/03, 3/15/04

**LAND RECLAMATION COMMISSION**  
 performance requirements; 10 CSR 40-10.050; 2/2/04  
 permit application requirements; 10 CSR 40-10.020; 2/2/04

**LONG-TERM CARE, NURSING FACILITIES**  
 administration, resident care requirements  
   intermediate care, skill nursing facilities; 19 CSR 30-85.042;  
     10/15/03, 1/15/04  
   residential care facilities I and II; 19 CSR 30-86.042;  
     10/15/03, 1/15/04  
 definitions; 19 CSR 30-83.010; 10/15/03, 1/15/04  
 nursing facility quality of care improvement program;  
   19 CSR 30-82.080; 10/15/03, 1/15/04  
 receiverships; 19 CSR 30-82.015; 10/15/03, 1/15/04  
 resident rights; 19 CSR 30-88.010; 4/1/04

**MARKET DEVELOPMENT**  
 subscription fees; 2 CSR 10-2.010; 12/1/03, 3/15/04

**MASSAGE, BOARD OF THERAPEUTIC**  
 application; 4 CSR 197-2.010; 1/2/04, 5/3/04  
 fees; 4 CSR 197-1.040; 1/2/04, 5/3/04  
 inspections, survey; 4 CSR 197-5.010; 1/2/04, 5/3/04  
 license, business  
   issuance of an original; 4 CSR 197-5.020; 1/2/04, 5/3/04  
   renewal; 4 CSR 197-5.040; 1/2/04, 5/3/04  
 license, individual  
   provisional; 4 CSR 197-2.030; 1/2/04, 5/3/04  
   renewal; 4 CSR 197-2.050; 1/2/04, 5/3/04  
 name and address changes  
   business; 4 CSR 197-5.030; 1/2/04, 5/3/04  
   individual; 4 CSR 197-1.030; 1/2/04, 5/3/04  
 standards of practice; 4 CSR 197-3.010; 1/2/04, 5/3/04

**MEDICAL SERVICES, DIVISION OF**  
 documentation, social work programs; 13 CSR 70-98.015;  
   12/15/03  
 federal reimbursement allowance; 13 CSR 70-15.110; 10/15/03,  
   2/2/04  
 home health care services; 13 CSR 70-90.010; 2/17/04  
 hospital services provided out-of-state; 13 CSR 70-15.180;  
   12/15/03  
 limitation on payment out-of-state; 13 CSR 70-3.120; 12/15/03  
 payment of claims, Medicare Part B; 13 CSR 70-3.065; 2/18/03  
 personal care  
   assistance; 13 CSR 70-91.030; 2/17/04  
   program; 13 CSR 70-91.010; 2/17/04  
 prior authorization, non-pharmaceutical mental health services;  
   13 CSR 70-98.020; 2/17/04  
 private duty nurse; 13 CSR 70-95.010; 2/17/04  
 reimbursement nursing services; 13 CSR 70-10.015; 11/3/03,  
   11/17/03; 4/1/04, 5/3/04  
   allowance; 13 CSR 70-10.110; 11/3/03, 11/17/03; 4/1/04  
   HIV services; 13 CSR 70-10.080; 11/3/03, 11/17/03; 4/1/04  
 reimbursement, out-of-state, outpatient; 13 CSR 70-15.010; 3/1/04  
 Title XIX recipient lock-in program; 13 CSR 70-4.070; 9/2/03,  
   1/2/04

**MENTAL HEALTH, DEPARTMENT OF**  
 access crisis intervention programs; 9 CSR 30-4.195; 2/2/04  
 background screening, employees, volunteers; 9 CSR 10-5.190;  
   12/1/03, 3/15/04  
 criminal record review; 9 CSR 10-5.190; 5/3/04  
 exceptions committee procedures; 9 CSR 10-5.210; 12/1/03,  
   3/15/04  
 fire safety  
   definitions; 9 CSR 45-5.105; 10/15/03, 3/15/04  
   on-site day habilitation; 9 CSR 45-5.110; 10/15/03, 3/15/04

residential habilitation for  
4-9 people; 9 CSR 45-5.130; 10/15/03, 3/15/04  
10-16 people; 9 CSR 45-5.140; 10/15/03, 3/15/04  
17 or more people; 9 CSR 45-5.150; 10/15/03, 3/15/04

**SATOP**

fees, supplemental; 9 CSR 30-3.208; 9/2/03, 2/2/04  
program structure; 9 CSR 30-3.206; 9/2/03, 2/2/04

**MILK BOARD, STATE**

inspection fees; 2 CSR 80-5.010; 5/3/04

**MOTOR VEHICLE**

disabled person placard, issuance; 12 CSR 10-23.460; 12/15/03;  
4/1/04  
leasing company registration; 12 CSR 10-23.424; 11/17/03, 3/1/04

**MOTOR VEHICLE INSPECTION**

brake components; 11 CSR 50-2.160; 10/15/03, 2/2/04  
definitions; 11 CSR 50-2.010; 10/15/03, 2/2/04  
emission test procedures; 11 CSR 50-2.400; 3/1/04  
glazing (glass); 11 CSR 50-2.270; 10/15/03, 2/2/04  
inspection station  
permits; 11 CSR 50-2.050; 10/15/03, 2/2/04  
requirements; 11 CSR 50-2.020; 10/15/03, 2/2/04  
off-highway use vehicles (ATV-OHV); 11 CSR 50-2.340; 10/15/03,  
2/2/04  
school bus inspection; 11 CSR 50-2.320; 10/15/03, 2/2/04  
steering mechanisms; 11 CSR 50-2.200; 10/15/03, 2/2/04

**NURSING, STATE BOARD OF**

licensure; 4 CSR 200-4.020; 4/15/04

**OCCUPATIONAL THERAPY, MISSOURI BOARD OF**

application; 4 CSR 205-3.030; 1/15/04, 5/3/04

**OPTOMETRY, STATE BOARD OF**

pharmaceutical agents; 4 CSR 210-2.080; 4/15/04  
examination to use; 4 CSR 210-2.081; 4/15/04

**PAYROLL DEDUCTIONS, STATE OF MISSOURI, VENDOR**

dues, labor organizations; 1 CSR 10-4.010; 9/15/03

**PEACE OFFICER STANDARDS AND TRAINING  
(POST) PROGRAM**

basic training curricula, objectives; 11 CSR 75-14.030; 2/17/04  
cause to discipline; 11 CSR 75-13.090; 10/15/03, 2/2/04  
fund, commission; 11 CSR 75-16.010; 2/17/04  
peace officer licenses  
upgrade procedures; 11 CSR 75-13.030; 2/17/04  
point scale, veteran officer; 11 CSR 75-13.060; 2/17/04

**PERSONNEL ADVISORY BOARD**

appeals; 1 CSR 20-4.010; 4/15/04  
broad classification for bands of managers; 1 CSR 20-2.015;  
9/15/03, 1/15/04  
leaves of absence; 1 CSR 20-5.020; 9/15/03, 1/15/04  
separation, suspension, demotion; 1 CSR 20-3.070; 9/15/03,  
1/15/04

**PETROLEUM STORAGE TANK INSURANCE FUND**

assessment, transport load fee; 10 CSR 100-3.010; 12/1/03; 4/1/04  
definitions; 10 CSR 100-2.010; 12/1/03; 4/1/04  
participation requirements  
aboveground tanks; 10 CSR 100-4.020; 12/1/03; 4/1/04  
underground tanks; 10 CSR 100-4.010; 12/1/03; 4/1/04

**PHARMACY PROGRAM**

reimbursement allowance; 13 CSR 70-20.320; 12/1/03, 3/15/04

**PHARMACY, STATE BOARD OF**

drug distributor; 4 CSR 220-5.020; 7/1/03, 12/1/03  
education, continuing; 4 CSR 220-2.100; 5/3/04  
records, confidentiality, disclosure; 4 CSR 220-2.300; 1/15/04

**PSYCHOLOGISTS, STATE COMMITTEE OF**

fees; 4 CSR 235-1.020; 4/15/04  
license, renewal; 4 CSR 235-1.050; 4/15/04

**PUBLIC DRINKING WATER PROGRAM**

analysis, procedures; 10 CSR 60-5.010; 5/15/03, 12/1/03  
contaminant levels  
maximum; 10 CSR 60-4.010; 5/15/03, 12/1/03

**PUBLIC SERVICE COMMISSION**

211 services, termination; 4 CSR 240-32.200; 3/15/04, 4/15/04  
billing practices, electric, gas, water  
definitions; 4 CSR 240-13.015; 12/1/03, 3/1/04  
denial of service; 4 CSR 240-13.035; 12/1/03, 4/15/04  
billing practices, telecommunications residential customers  
definitions; 4 CSR 240-33.020; 3/1/04  
discontinuance of service; 4 CSR 240-33.070; 3/1/04  
disputes; 4 CSR 240-33.080; 3/1/04  
inquires, customers; 4 CSR 240-33.060; 3/1/04  
minimum charges rule; 4 CSR 240-33.030; 3/1/04  
provisions, general; 4 CSR 240-33.010; 3/1/04  
standards for customers; 4 CSR 240-33.040; 3/1/04  
caller ID blocking service  
definitions; 4 CSR 240-32.180; 11/3/03, 12/15/03; 1/15/04,  
2/17/04  
standards; 4 CSR 240-32.190; 11/3/03, 12/15/03; 1/15/04,  
2/17/04  
complaint procedures; 4 CSR 240-33.110; 3/15/04  
customer proprietary network information; 4 CSR 240-33.160;  
5/3/04  
definitions; 4 CSR 240-13.015; 5/3/04  
dispute resolution, telecommunications  
agreements; 4 CSR 240-36.050; 2/2/04  
amendments to; 4 CSR 240-36.080; 2/2/04  
arbitration; 4 CSR 240-36.040; 2/2/04  
agreements; 4 CSR 240-36.050; 2/2/04  
definitions; 4 CSR 240-36.010; 2/2/04  
filing procedures; 4 CSR 240-36.020; 2/2/04  
mediation; 4 CSR 240-36.030; 2/2/04  
agreements; 4 CSR 240-36.060; 2/2/04  
notice of agreement; 4 CSR 240-36.070; 2/2/04  
electric utilities  
annual report; 4 CSR 240-3.165; 12/15/03, 3/1/04  
cogeneration tariff filings; 4 CSR 240-3.155; 9/2/03, 2/2/04  
reporting requirements; 4 CSR 240-3.190; 11/17/03, 3/1/04  
gas utilities  
annual report; 4 CSR 240-3.245; 12/15/03, 3/1/04  
petitions for infrastructure system replacement surcharges;  
4 CSR 240-3.265; 11/3/03, 4/15/04  
name changes, utility company; 4 CSR 240-3.020; 5/3/04  
safety standards; 4 CSR 240-18.010; 11/17/03, 3/1/04  
sewer utilities  
annual report; 4 CSR 240-3.335; 12/15/03, 3/1/04  
steam heating  
annual report; 4 CSR 240-3.435; 12/15/03, 3/1/04  
rate case procedure; 4 CSR 240-3.440; 11/3/03, 3/1/04  
telecommunication companies  
annual report; 4 CSR 240-3.540; 12/15/03, 3/1/04  
bankruptcy procedures; 4 CSR 240-3.565; 5/3/04  
ceasing operations, procedure; 4 CSR 240-3.560; 5/3/04  
customer inquires; 4 CSR 240-3.555; 3/1/04  
definitions; 4 CSR 240-3.500, 4 CSR 240-32.020; 12/1/03,  
5/3/04  
engineering, maintenance; 4 CSR 240-32.060; 12/1/03  
filing requirements, applications  
authority to acquire stock; 4 CSR 240-3.535; 5/3/04

authority to issue stock; 4 CSR 240-3.530; 5/3/04  
 authority to merge; 4 CSR 240-3.525; 5/3/04  
 authority to sell assets; 4 CSR 240-3.520; 5/3/04  
 certificates of service authority; 4 CSR 240-3.510;  
     5/3/04  
 tariffs; 4 CSR 240-3.545; 3/1/04  
 rate schedules; 4 CSR 240-3.545; 3/1/04  
 quality of service; 4 CSR 240-32.070; 12/1/03, 5/3/04  
 records, reports; 4 CSR 240-3.550; 12/1/03, 5/3/04  
 service, surveillance; 4 CSR 240-32.080; 12/1/03, 5/3/04  
 verification of change of service provider; 4 CSR 240-33.150;  
     3/1/04  
 water utilities  
 annual report; 4 CSR 240-3.640; 12/15/03, 3/1/04  
 petitions for infrastructure system replacement surcharges;  
     4 CSR 240-3.650; 11/3/03, 4/15/04

## REAL ESTATE COMMISSION

brokerage  
     relationship confirmation; 4 CSR 250-8.096; 12/1/03, 3/15/04  
     service agreements; 4 CSR 250-8.090; 12/1/03, 3/15/04  
 broker disclosure form; 4 CSR 250-8.097; 12/1/03, 3/15/04  
 license examinations; 4 CSR 250-3.020; 10/15/03, 2/2/04  
 requirements; 4 CSR 250-10.010; 10/15/03, 2/2/04  
 retention of records; 4 CSR 250-8.160; 10/15/03, 2/2/04

## RECORDS MANAGEMENT

MHRAB regant program; 15 CSR 30-45.040; 11/17/03, 3/1/04

## RETIREMENT SYSTEMS

county employees' deferred compensation plan  
     limitations on deferral; 16 CSR 50-20.050; 10/1/03, 1/15/04  
     participation in the plan; 16 CSR 50-20.030; 10/1/03, 1/15/04  
 non-teacher school employee retirement  
     employment; 16 CSR 10-6.010; 10/1/03, 1/15/04  
     reinstatement, credit purchases; 16 CSR 10-6.045; 10/1/03,  
         1/15/04  
     service retirement; 16 CSR 10-6.060; 10/1/03, 1/15/04  
 public school retirement  
     membership requirements; 16 CSR 10-4.005; 10/1/03,  
         1/15/04  
     payment for reinstatement, credit purchases;  
         16 CSR 10-4.012; 10/1/03, 1/15/04  
     reinstatement, credit purchases; 16 CSR 10-4.014; 10/1/03,  
         1/15/04  
     service retirement; 16 CSR 10-5.010; 10/1/03, 1/15/04

## SECRETARY OF STATE

organization; 15 CSR 30-1.010; 11/17/03, 4/15/04

## SECURITIES, DIVISION OF

application  
     registration; 15 CSR 30-52.015; 10/1/03, 1/15/04  
     registration or notice filings; 15 CSR 30-51.020; 10/1/03,  
         1/15/04  
 bank, savings institution, trust company; 15 CSR 30-54.030;  
     10/1/03, 1/15/04  
 compensation arrangements  
     investment advisors; 15 CSR 30-51.145; 10/1/03, 1/15/04  
 confirmations; 15 CSR 30-51.110; 10/1/03, 1/15/04  
 custody of securities or funds; 15 CSR 30-51.100; 10/1/03,  
     1/15/04  
 debt securities; 15 CSR 30-52.120; 10/1/03, 1/15/04  
 definitions; 15 CSR 30-50.010; 10/1/03, 1/15/04  
 examination requirements; 15 CSR 30-51.030; 10/1/03, 1/15/04  
 exclusion from definition of broker-dealer; 15 CSR 30-51.175;  
     3/15/04  
 exemptions

15 transactions in 12 months; 15 CSR 30-54.140; 10/1/03  
     1/15/04  
 accredited investor; 15 CSR 30-54.215; 10/1/03, 1/15/04  
 agricultural cooperative association; 15 CSR 30-54.190;  
     10/1/03, 1/15/04  
 Canadian-U.S. cross-border trading; 15 CSR 30-54.290;  
     10/1/03, 1/15/04  
 first 25 persons; 15 CSR 30-54.130; 10/1/03, 1/15/04  
 foreign issuer; 15 CSR 30-54.260; 10/1/03, 1/15/04  
 general; 15 CSR 30-54.010; 3/17/03, 7/15/03, 1/15/04  
 institutional buyer; 15 CSR 30-54.125; 10/1/03, 1/15/04  
 limited offering; 15 CSR 30-54.130; 10/1/03, 1/15/04  
 manual; 15 CSR 30-54.100; 10/1/03, 1/15/04  
 Missouri issuer; 15 CSR 30-54.240; 11/17/03, 3/1/04  
 Missouri qualified fund; 15 CSR 30-54.250; 10/1/03, 1/15/04  
 mortgage note; 15 CSR 30-54.120; 10/1/03, 1/15/04  
 new generation processing entity; 15 CSR 30-54.190;  
     10/1/03, 1/15/04  
 notice filing for transactions under Regulation D;  
     15 CSR 30-54.210; 10/1/03, 1/15/04  
 not-for-profit securities; 15 CSR 30-54.070; 1/15/04  
 offers to existing security holders; 15 CSR 30-54.160;  
     10/1/03, 1/15/04  
 preeffective offer; 15 CSR 30-54.170; 10/1/03, 1/15/04  
 reporting company securities; 15 CSR 30-54.183; 10/1/03,  
     1/15/04  
 tax credit; 15 CSR 30-54.280; 11/17/03, 3/1/04  
 transactions, quotation systems; 15 CSR 30-54.220; 10/1/03,  
     1/15/04  
 unit investment trust units; 15 CSR 30-54.230; 11/17/03,  
     3/1/04  
 unsolicited order to buy; 15 CSR 30-54.110; 10/1/03, 1/15/04  
 fees; 15 CSR 30-50.030; 10/1/03, 1/15/04  
 financial statements; 15 CSR 30-51.040, 15 CSR 30-52.025;  
     10/1/03, 1/15/04  
 forms; 15 CSR 30-50.040; 10/1/03, 1/15/04  
 fraudulent practices  
     broker-dealers, agents; 15 CSR 30-51.169; 10/1/03, 1/15/04  
     general; 15 CSR 30-54.010; 10/1/03, 1/15/04  
     government issued or guaranteed securities; 15 CSR 30-54.020;  
         10/1/03, 1/15/04  
 hearings under Securities Act  
     answers and supplementary pleadings; 15 CSR 30-55.030;  
         10/1/03, 1/15/04  
     discovery; 15 CSR 30-55.080; 10/1/03, 1/15/04  
     instituting hearing before commissioner; 15 CSR 30-55.020;  
         10/1/03, 1/15/04  
     motions, suggestions, legal briefs; 15 CSR 30-55.110;  
         10/1/03, 1/15/04  
     notice of; 15 CSR 30-55.040; 10/1/03, 1/15/04  
     officers; 15 CSR 30-55.220; 10/1/03, 1/15/04  
     prehearing conferences; 15 CSR 30-55.050; 10/1/03, 1/15/04  
     prehearing procedures; 15 CSR 30-55.025; 10/1/03, 1/15/04  
     procedure at hearing; 15 CSR 30-55.090; 10/1/03, 1/15/04  
     public hearing; 15 CSR 30-55.060; 10/1/03, 1/15/04  
     record of hearing; 15 CSR 30-55.070; 10/1/03, 1/15/04  
     subpoenas; 15 CSR 30-55.100; 10/1/03, 1/15/04  
     who may request; 15 CSR 30-55.010; 10/1/03, 1/15/04  
 impoundments of proceeds; 15 CSR 30-52.100; 10/1/03, 1/15/04  
 instructions, general; 15 CSR 30-50.020, 15 CSR 30-51.010;  
     10/1/03, 1/15/04  
 investment advisors  
     minimum net worth requirements; 15 CSR 30-51.070;  
         10/1/03, 1/15/04  
 investment letter, suggested form; 15 CSR 30-54.150; 10/1/03,  
     1/15/04  
 mortgage revenue bonds; 15 CSR 30-52.340; 10/1/03, 1/15/04  
 NASAA statement of policy; 15 CSR 30-52.030; 10/1/03, 1/15/04  
 exemptions; 15 CSR 30-54.070; 10/1/03, 1/15/04

net capital deficiency; 15 CSR 30-51.060; 10/1/03, 1/15/04  
net capital requirements; 15 CSR 30-51.050; 10/1/03, 1/15/04  
networking arrangements; 15 CSR 30-51.165; 10/1/03, 1/15/04  
notice filings  
    investment companies; 15 CSR 30-54.015; 10/1/03, 1/15/04  
offer of refund; 15 CSR 30-52.200; 10/1/03, 1/15/04  
    suggested form of (rescission); 15 CSR 30-52.260; 10/1/03, 1/15/04  
prospectus; 15 CSR 30-52.020; 10/1/03, 1/15/04  
promotional materials; 15 CSR 30-53.010; 10/1/03, 1/15/04  
provisions, general; 15 CSR 30-52.010; 10/1/03, 1/15/04  
records required  
    broker-dealers; 15 CSR 30-51.120; 10/1/03, 1/15/04  
    investment advisors; 15 CSR 30-51.140; 10/1/03, 1/15/04  
records to be preserved by  
    broker-dealers; 15 CSR 30-51.130; 10/1/03, 1/15/04  
    investment advisors; 15 CSR 30-51.150; 10/1/03, 1/15/04  
    issuers; 15 CSR 30-52.330; 10/1/03, 1/15/04  
registration  
    denial, revocation, suspension; 15 CSR 30-51.170; 10/1/03, 1/15/04  
    exemptions from; 15 CSR 30-51.180; 10/1/03, 1/15/04  
    withdrawal of; 15 CSR 30-52.280; 10/1/03, 1/15/04  
registration statement  
    annual report; 15 CSR 30-52.320; 10/1/03, 1/15/04  
    post-effective amendments; 15 CSR 30-52.300; 10/1/03, 1/15/04  
    report of completion; 15 CSR 30-52.310; 10/1/03, 1/15/04  
requirements; 15 CSR 30-51.160; 10/1/03, 1/15/04  
securities  
    bank, savings institution, trust company;  
        15 CSR 30-54.030; 10/1/03, 1/15/04  
    commercial paper; 15 CSR 30-54.080; 10/1/03, 1/15/04  
    employees' benefit plan; 15 CSR 30-54.090; 10/1/03, 1/15/04  
    federal savings, loan association, state building and loan;  
        15 CSR 30-54.040; 10/1/03, 1/15/04  
    not-for-profit; 15 CSR 30-54.070; 10/1/03, 1/15/04  
    railroad, common carrier, public utility, holding company;  
        15 CSR 30-54.050; 10/1/03, 1/15/04  
segregation of accounts; 15 CSR 30-51.090; 10/1/03, 1/15/04  
small company offering registrations; 15 CSR 30-52.275; 10/1/03, 1/15/04  
solicitation of interest; 15 CSR 30-54.175; 11/17/03, 3/1/04  
stock exchange listed securities; 15 CSR 30-54.060; 10/1/03, 1/15/04  
supervision guidelines for broker dealers; 15 CSR 30-51.171; 3/1/04

#### SENIOR SERVICES, DIVISION OF

aging in place pilot program; 19 CSR 30-82.090; 12/15/03  
state long-term care ombudsman program; 19 CSR 15-4.060; 10/15/03, 1/15/04

#### SOCIAL WORKERS, STATE COMMITTEE FOR

baccalaureate social worker; 4 CSR 263-2.047; 4/15/04  
    provisional licensed; 4 CSR 263-2.062; 4/15/04  
    reciprocity; 4 CSR 463-2.062; 4/15/04  
client relationship; 4 CSR 263-3.040; 4/15/04  
clinical social worker  
    provisional licensed; 4 CSR 263-2.045; 4/15/04  
    reciprocity; 4 CSR 463-2.060; 4/15/04  
competence; 4 CSR 263-3.140; 4/15/04  
experience, registration; 4 CSR 263-2.032; 4/15/04  
fees; 4 CSR 263-1.035; 4/15/04  
inactive status; 4 CSR 263-2.090; 4/15/04  
moral standards; 4 CSR 263-3.020; 4/15/04  
restoration of license; 4 CSR 463-2.085; 4/15/04

#### SOIL AND WATER DISTRICTS COMMISSION

state-funded cost-share program  
    cost share rates; 10 CSR 70-5.040; 8/1/03, 11/3/03, 3/15/04

#### TAX COMMISSION, STATE

agricultural land productive values; 12 CSR 30-4.010; 2/2/04

#### TAX, INCOME

failure to file tax returns; 12 CSR 10-2.055; 12/15/03; 4/1/04  
failure to pay tax; 12 CSR 10-2.060; 12/15/03; 4/1/04  
government pension exemption; 12 CSR 10-3.235; 12/15/03; 4/1/04  
rate of interest, annual; 12 CSR 10-41.010; 12/15/03, 1/15/04, 4/15/04

#### TAX, MOTOR FUEL USE

bond amounts; 12 CSR 10-7.330; 12/15/03; 4/1/04  
inventory subject to tax; 12 CSR 10-7.220; 12/15/03; 4/1/04  
release of bonding requirements; 12 CSR 10-7.310; 12/15/03; 4/1/04  
reporting option; 12 CSR 10-7.290; 12/15/03; 4/1/04  
retail dealer licensing/reporting requirements; 12 CSR 10-7.180; 12/15/03; 4/1/04  
waterway or pipeline terminal operators; 12 CSR 10-7.210; 12/15/03; 4/1/04

#### UNEMPLOYMENT INSURANCE

charging benefits to employers; 8 CSR 10-3.085; 10/1/03, 1/15/04

#### VOTING PROCEDURES

HAVA grievance procedure; 15 CSR 30-12.010; 11/3/03; 4/1/04  
provisional ballots to be counted; 15 CSR 30-8.020; 11/3/03; 4/1/04  
verification; 15 CSR 30-8.030; 11/3/03; 4/1/04

#### WATER PATROL, MISSOURI STATE

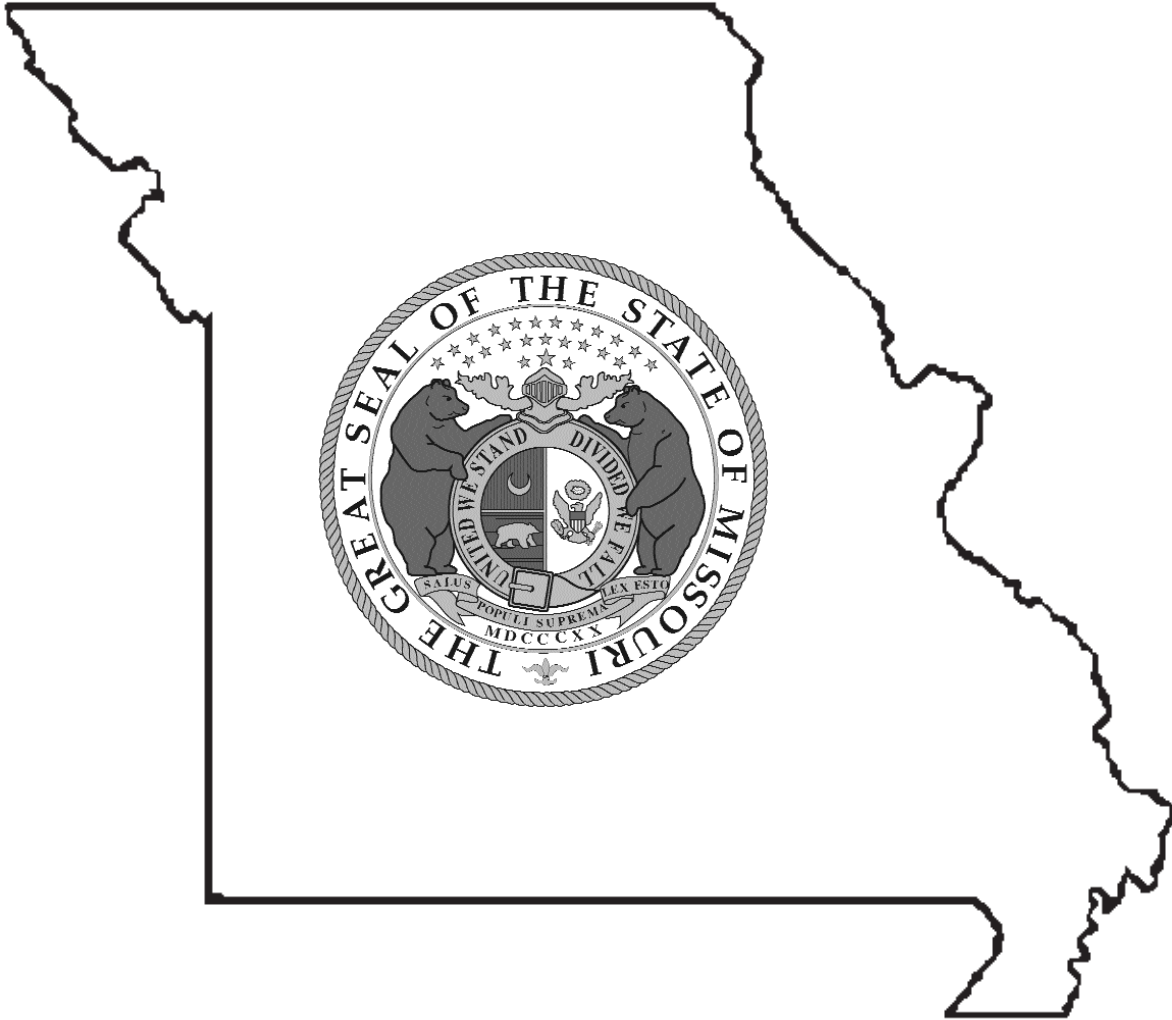
aids to navigation, regulatory markers; 11 CSR 80-5.010; 12/15/03, 3/15/04

#### WEIGHTS AND MEASURES

anhydrous ammonia; 2 CSR 90-11.010; 12/15/03, 4/15/04  
inspection of premises; 2 CSR 90-30.050; 12/15/03, 4/15/04

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